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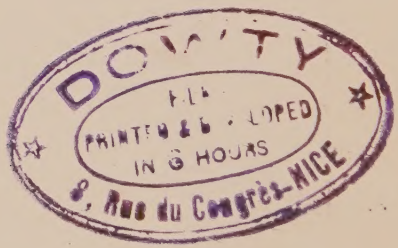

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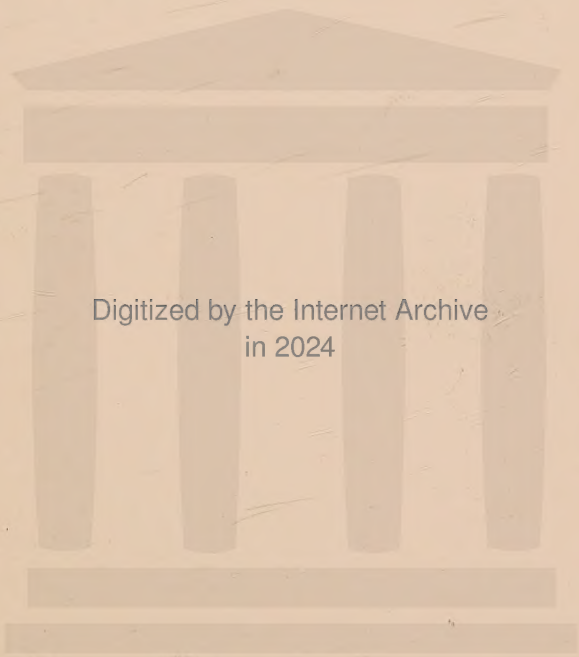

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THE CALAS FAMILY.

The Subscription Print described in the Appendix, p. 161

THE CASE OF JEAN CALAS

BY

FREDERIC HERBERT MAUGHAM
King's Counsel, Bencher of Lincoln's Inn

LONDON:
WILLIAM HEINEMANN LTD.

53049

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In hoc tanto, tam atroci, tam singulari maleficio, quod ita raro extitit, ut si quando auditum sit, portenti ac prodigii simile numeretur, quibus tandem te argumentis accusatorem censes uti oportere ?—CICERO.

(*In defence of Roscius, accused of parricide.*)

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PREFACE

Those who have spent most of their lives in Courts of Justice may admit, with a smile if not a blush, that the most interesting details of History are those which relate to Trials, and that the best of the Trials are those which admit of doubt and controversy. But they should be written as real fragments of History, not as if they were extracts from a Historical Novel. An account of a trial with highly-coloured characters and imaginary conversations, but without a full statement of all the vital facts, is anathema to a lawyer. The story of a crime, if it is to have any real value, must not shirk the statement of detail, however laborious to the writer and, perhaps, tiresome to the reader. The picture must be painted in the manner of Jan Van Eyck rather than in that of a modern impressionist. You should be able to distinguish the buttons on the coat and to see

the reflections in the mirror on the wall: for Truth, rather than Art, should be the writer's aim. A good many of the clever biographies which have achieved well-deserved popularity since the Great War, both in England and in France, seem to have had a different end in view. Their practice has been to eliminate everything that did not contribute to an effective and dramatic portrait. Such a method has produced some most interesting books; but it will never be a satisfactory one, if there is something to be discovered or ascertained, —as for instance the question whether Jean Calas was innocent or guilty.

When I began to investigate this question during some restless moments at the beginning of a Long Vacation, I had no idea how far it would lead me. It seemed to me that a short article, accepting the view of M. Henri-Robert, of the French Academy, a very distinguished member of the French Bar, that Jean Calas was after all guilty, might be not uninteresting, at

least to my brothers of the English Bar. But when I had examined some of the evidence for myself, doubts assailed me. The problem became more difficult and also more interesting. Like the inveterate solver of the Crossword Puzzle, defeated by one word and unable to give it up, I consulted more books and hunted more libraries. I kept a piece of string in my pockets and practised with a pencil, in spare moments, the method by which a man might most easily hang himself, or be hanged, with the aid of a short cord, a piece of wood and a folding door. Innocent persons of ability have been diverted from a lawful after-dinner occupation to discuss, sometimes with demonstrations, the unlawful business of hanging. . . . . I was ultimately led to the fine old city of Toulouse, where I completed my enquiries. The following pages show the result. The reader must judge for himself whether I have succeeded in laying the ghost of Jean Calas.

I should like to add that I am under no illusions as to the completeness of this sketch. The picture should have been drawn on a somewhat larger canvas. An atmosphere and a background should have been provided by giving some description of Toulouse in the second half of the eighteenth century, an adequate account of its religious history and of its judicial system, and a more elaborate analysis of the Depositions and Interrogatories of the witnesses. Such a book, written with a passion for truth and a wholesome distrust of rhetoric, would have had a considerable value. If narrated by a skilful hand the terrible story of Jean Calas would have been unfolded with the inevitability of a Greek tragedy. A tradition of hatred between two great religions, and a willingness to believe anything, however unnatural, of a heretic would form the undercurrent of the drama. A lie, told with the best intentions, might be shown to lead, by a not unnatural sequence, to

trial, torture, and death. The characters of Jean Calas, his luckless son, and his English wife, of the faithful servant Jeanne Viguier, of the chance young visitor Lavaysse, and of the zealous and implacable "Capitoul," David de Beaudrigue, are more diverse and interesting than the ordinary creations of fiction. And terrible as the complete story would be, it would not contribute to the current pessimism of the day. Things have changed very greatly in the West of Europe since the year 1761, and we can be assured that the tragic history of Jean Calas can never be repeated. The essential change is in the direction of a greater humanity. A complete toleration of the religious views of others, a hatred of cruelty to man or beast, a more generous sympathy with others, and a public opinion whose power is scarcely yet fully realised—these are the things which in a complex, unsatisfactory and often disquieting civilization, may reasonably give us a hope for the future of the world.

of the efforts of Voltaire and his friends, Calas was with all solemnity "rehabilitated," by the Parlement de Paris on the 9th March, 1765 (three years after his death), and those who had been accused with him were acquitted. But, as will be seen, the rehabilitation has not convinced all historians and lawyers. Voltaire had conducted a campaign of equal skill and assiduity in favour of the Calas family; and the result of the Paris trial was, perhaps, a foregone conclusion.

The literature of the later years of the seventeenth century abounds in reference to Calas. As generally told, the story is related simply to the credit of Voltaire; he becomes so much the hero of it that Jean Calas himself is forgotten. Those who are interested in Voltaire's view have only to read the little book (one of many pieces of propaganda for which he was responsible) which he published in 1762, between the dates of the Execution and the Rehabilitation, entitled "De la Tolerance." Those

who prefer to read English can read "The History of Elizabeth Canning and of Jean Calas," published in London in 1762, of which there are copies in most large English libraries. Voltaire gives a succinct account of an innocent family of Huguenots accused of a crime on no other grounds than conjecture and religious prejudice. The story he relates is no doubt an appalling example of the effects of Intolerance; but as far as anything from the pen of so great a writer can be dull, the story is a trifle dull, since there would appear to be no problem to discuss. The chief mystery would seem to be that eight judges should have voted in favour of the guilt of the luckless father. According to Voltaire, the evidence would have been insufficient to hang a rat; indeed, there were no circumstances at all which pointed in the direction of guilt.

No one would suppose, if he merely read Voltaire, that the admitted facts are of remarkable and curious interest, and to say

the least admit of various conjectures. The evidence against those of the Calas family who were accused of the alleged crime was, it is true, circumstantial; but all educated people nowadays are aware of the fact that that is true in most cases of murder. The decision in the Rehabilitation Trial has not generally been regarded as decisive for two reasons. First, it would appear that in France trials of that nature nearly always result in rehabilitation. Secondly, the atmosphere of the Capital on the subject was such that no unprejudiced judgment could be expected. Books and pamphlets abounded in favour of the Calas family; and who, it may be asked, after the ashes of poor Jean Calas had been scattered to the winds, was interested among members of the public in taking the view that he was a murderer, and insisting on further executions in the family? But when the case had become a matter of history, views as to guilt or innocence began to differ. That very able writer,

Joseph de Maistre, in his *Soirées de Saint-Pétersbourg,* said:—

"*Rien de moins prouvé, Messieurs, je vous l'assure, que l'innocence de Calas. Il y a mille raisons d'en douter, et même en croire le contraire.*"

In 1841 M. Mary-Lafon, in his *Histoire Politique, Religieuse et Littéraire du Midi de la France,* discussed the question and declared himself against Jean Calas.

In 1854 Monsieur Théophile Huc, a professor of law at the *Faculté de Toulouse* (and afterwards *conseiller à la Cour d'Appel de Paris)*, examined the case and concluded that it was impossible to hold that the decision of the Toulouse Tribunal was wrong.

There were other pronouncements to the same effect, and the tide was running so strongly against Jean Calas, the Protestant Martyr, that a celebrated Pastor of that faith, M. Athanase Coquerel, undertook a thorough examination of all the available materials. In 1857 he published

his elaborate work *Jean Calas et sa famille* (Paris, Libraire de Joël Cherbuliez, 8vo.). It is only just to say that this book, notwithstanding an obvious bias, is one which displays equal industry and ability. It is, moreover, a storehouse of original documents and *pièces justificatives,* which all subsequent investigators must find invaluable.* A Catholic reply was plainly called for, and was furnished by M. l'Abbé Salvan, a Canon of Toulouse, and a descendant of one of the judges who tried Jean Calas. He published at Toulouse in 1863 *l'Histoire de Jean Calas à Toulouse d'après la procédure authentique et la correspondance administrative* (12vo.); and concluded strongly for the guilt of the accused. M. Coquerel replied in a second edition of his work (Paris 1869).† This edition contains a Bibliography of works relating to Calas, con-

* It has been largely used as such in the present work.

† Cited hereafter as "Coquerel."

sisting of ninety French, nine English, fifteen German, and twelve Dutch items, not counting engravings and articles in reviews, encyclopædias, and collections of Celebrated Trials. In France no less than ten plays on the subject have been acted.

And the case is still the subject of debate. No less an authority than Monsieur Henri-Robert, of the French Academy, Ancien Batonnier of the French Bar, and a celebrated advocate, in one of those most interesting legal or historical studies which are entitled *Les Grands Procès de l'Histoire,* † has recently indicated a fairly clear view that Jean Calas was guilty. Such an opinion must not lightly be challenged; but it may be interesting to make a serious attempt to examine the facts and to test Monsieur Henri-Robert's conclusions.* It is a fortunate accident that the case happens to be one in which an able,

† Payot, Paris, 1925. First series.

* The latest writer who touches on the subject is M. Alex Coutet, whose work on Toulouse

though it may well be a prejudiced, magistrate was concerned, a Sherlock Holmes (the attribution is that of M. Henri-Robert) of the year 1761. We shall have to examine the work of David de Beaudrigue, as detective and judge, and to criticise his deductions. English readers, even though they have Huguenot sympathies, will have no temptation at this time of day to take a side. English lawyers cannot fail to be interested in a trial and a judicial system so foreign to English ideas.

(Librairie Richard) (1926) contains an account of *l'affaire Calas*. He sums up the matter by saying (p. 247) that the case is still obscure and very difficult (très troublante). Probably that is a true view of current French opinions. The Trevelyan in his "History of England" (p. 544 note) where he refers to "the judicial murder of the Protestant Calas."

CHAPTER II.

THE FACTS.

These are the main facts substantially as stated by M. Henri-Robert, and marshalled in lawyer-like fashion (one may say) for the prosecution.*

On the 13th October, 1761, at about 9.30 p.m., the inhabitants of the Grand' Rue des Filatiers, at Toulouse, heard cries and calls for help and sounds of movement coming from No. 16, where Jean Calas and his family lived. The door of the house was shut. Then two young men, a son of Jean Calas, called Pierre and a well-dressed friend, Gaubert Lavaysse, opened the door and ran out of the house in an

* It should, however, be stated that a good many facts are added, and here and there some modifications are introduced so as to make the account more complete and accurate.

excited state. The son Pierre returned almost at once with one Gorsse, the pupil of a surgeon called Camoire. Pierre came out in a minute, leaving Gorsse at the house, and ran to the home of a Huguenot, called Cazeing, a cloth manufacturer, where he apparently found Lavaysse. They returned together to the house, Cazeing followed later. In the meantime an old servant of Jean Calas, after appearing at the upper window and asking what was the matter, had come down to the street door in a state of great agitation. Some of the neighbours gave evidence later that she cried: "*Ah! Mon Dieu, on l'a tué!*" A large crowd had by this time collected at the door, and were informed that Marc-Antoine, the eldest son, had just been found dead in the shop on the ground floor.

The neighbours, of course, knew all about the Calas family, who had lived at No. 16 for many years. Jean Calas, the father (born in 1698) was sixty-three years old, and had carried on business at No.

16 since 1731. He was a fairly prosperous shopkeeper or merchant, engaged in the sale of printed cotton cloths, and other fabrics *(indiennes)*, and was reputed to be rich. His wife, Anne Rose Cabibel, was born in England, of French Huguenot parents, but had spent most of her life in France. She was a distant relative of the Marquis de Montesquieu, and was aged between forty-five and fifty years old in 1761. They had six children, four sons and two daughters. The sons were Marc-Antoine, aged twenty-nine; Pierre, aged twenty-eight; Louis, aged twenty-five; and Donat, aged twenty-two. The two daughters were nineteen and eighteen years old. Jean Calas and his wife were Huguenots, in a Catholic city, and all the children were naturally brought up as Protestants; but the third son, Louis, some five years before, had been converted to Catholicism, which had been a terrible blow to his father. It will be remembered that Louis XIV had on a celebrated occa-

sion revoked the Edict of Nantes; and since that date (1685) the Huguenots who remained in France had suffered from a severe religious persecution. Three points may be noted: they could not enter any of the professions, and indeed were practically confined to trading; the punishment for being found actively practising their religion was death; and if they kept any servants the latter had to be of Catholic faith.* The Calas family did keep a servant, a woman of the name of Jeanne Viguier, and necessarily a Catholic. It was stated in evidence that she had been in the service of the Calas family for twenty-four years, and had assisted in the conversion of Louis; and she it was who appeared at the window of the first floor with cries and exclamations.

On the night of the tragedy the father and mother and Jeanne Viguier were in the house, but only two of the children,

* See Appendix, p. 163.

Marc-Antoine and his next younger brother, Pierre. The third son, Louis, had not resided under his father's roof since his conversion. Donat was at Nîmes, where he had been apprenticed. The two girls had gone that day, the 13th of October, 1761, to visit some friends in the neighbourhood of Toulouse. This left, besides the servant Jeanne, the father and mother and the two elder sons; but they also had a guest to dinner, one François Alexandre Gaubert Lavaysse,† aged twenty, the son of a well-known local advocate, called David Lavaysse. The Lavaysse family was Protestant, but the father had (apparently *pour la forme*) performed the acts of the Catholic faith which had been required of him.

To appreciate the story, it is necessary to follow the simple topography of the house, which was an ancient one. On the ground floor there was a front shop *(boutique)* communicating by a double

† This appears to be the correct spelling, though M. Henri Robert uses another.

door (that is, a door with two leaves to it) with the back shop or storeroom *(magasin),* where the various stuffs and articles for sale were stored. In the street there was, of course, a shop front with a door in it, and adjoining the shop front on the right-hand side (looked at from the street) there was a side door (with a fine Gothic carving over it) opening into a passage leading to a courtyard and to the stairs. In this passage there were doors opening both into the back shop and into the front shop, and also access to the stairs. On the first floor were the kitchen, the dining-room and other rooms. It was before the days of basements, though there was a cellar. The six occupants of the house had, accordingly, been upstairs during the evening meal.

The Calas family had a strange tale to tell the curious people who were thronging the front door. They asserted or suggested that Marc-Antoine had been murdered by one or more persons who

must have come in from the street. Marc-Antoine, they said, had left the dining-room and gone downstairs. Some time after, the guest, Gaubert Lavaysse, had taken his leave. Pierre had lighted him down the stairs with a torch or candle. As they were going along the passage on the ground floor they noticed that the door of the front shop into the passage, which should have been shut, was open. On going in they saw the body of Marc-Antoine lying on his back on the ground in complete darkness. The two young men (so the tale ran) had called for the father, who had come down, followed after an interval by his wife and the servant. All tried in vain to restore Marc-Antoine to consciousness. They thought he had received a sword-thrust (*un coup d'épée*) and Pierre Calas and Lavaysse ran for the surgeon Camoire. He was out; but they found le Sieur Gorsse, his pupil, and brought him back; and Pierre then ran to the " Café des Quatre Billards," where

Marc-Antoine used to spend his evenings, to find out whether he had had a terrible quarrel which might tend to throw light on so mysterious an event.

This story was untrue, and its folly became evident as soon as Gorsse got through the crowd into the house. It did not require any acumen to see, even by torchlight, that the cause of death of the body he found lying on the ground was some form of strangulation. There was a black cravat round the throat of the corpse, and beneath it Gorsse found the marks of a double cord, which had obviously been the means of taking Marc-Antoine's life. The luckless father exclaimed, " Who can have done that?"

There was by this time a considerable crowd outside, and it is perhaps to be inferred that Jean Calais was not a popular favourite. There were murmurs. No one had been seen to enter or leave the house. Nothing was stated to have been stolen. Two neighbours ran to fetch the *Capitoul*

on duty, and thus David de Beaudrigue,* with a guard of soldiers, came upon the scene and took charge.

A capitoul was a Magistrate of Toulouse, an important official peculiar to Toulouse, performing mixed duties of police, of *juge d'instruction,* and of a judge when acting jointly with his colleagues. The name requires a word of explanation. The ancient town of Toulouse had preserved many Roman traditions, and amongst others the name of Capitoul for its local magistrates. (*Capitulares,* because as a body they formed a *capitulum.*†) They were eight in number, and the body was called the *Consistoire.* Some of the Capitouls bought their office. David de Beaudrigue was one of these, and had held office since 1748. The others were elected every two years.

David de Beaudrigue examined the

* Pronounced as if the name ended with a "z" and sometimes so spelt.

† The town-hall of Toulouse is still called the Capitole.

body, questioned the members of the Calas family and Lavaysse, and other persons present, quickly came to the conclusion that they were all repeating an agreed tale, and that something was being concealed. David was a man of energy and decision. He sent them all under arrest to the Hôtel de Ville, and directed three expert surgeons to examine the corpse. Their report was promptly made, and is in existence; and, although in one respect quite non-committal, it throws a good deal of light on the matter. The report probably reached David de Beaudrigue whilst he was still examining the suspected persons at the Hôtel de Ville, and was (as translated) in these terms:—

"We, Jean-Pierre Latour, royal professor in medicine, ordinary of the Hospital of St. Jacques, of this city, and we, Jean-Antoine Peyronnel and Jean-Pierre Lamarque, masters in surgery of the same city, certify that having been required this morning, the 14th October, at a half-hour past midnight or thereabouts,

to go to the house of the Sieur Calas, merchant at the Grand-Rue, to examine a dead body and having been sworn in the said house before Monsieur David, Capitoul, to proceed to this examination, we have carefully examined this body, which was still a little warm, and have found it without any injury *(blessure)*, but with a livid mark on the neck about half an inch in thickness, in the form of a circle, which became lost at the back of the neck in the hair, divided into two branches in the higher part of each side of the neck; emitting phlegm and saliver from the nose and mouth, and the face being livid; which has led us to the conclusion that he had been hanged whilst alive, by himself or by others, with a double cord which divided itself at the sides of the neck and formed there the two livid branches which we have already said we observed. All which we certify to be true. in faith of which we have signed the present report."

M. Henri Robert does not set out this

report; but it is of extreme value for the defence, and it is therefore desirable to set out in the original words the important passages: "*Nous avons soigneusement examiné ce corps qui était encore un peu chaud, que nous avons trouvé sans aucune blessure, mais avec une marque livide au col, de l'étendue d'environ demi-pouce, en forme de circle, qui se perdait sur le derrière dans les cheveux, divisé en deux branches sur le haut de chaque côté du col; . . . . ce qui nous a fait juger qu'il a été pendu encore vivant, par lui-même ou par d'autres, avec une corde double qui s'est divisée sur les parties latérales du col, et y a formés les deux branches livides que nous avons dit y avoir observées.*" . . . . .

It is now necessary to return to David de Beaudrigue. At the Hôtel de Ville he proceeded forthwith, separately and formally, to interrogate the five persons he had sent there and those of the neighbours who might be able to throw light on the matter. It was now 1 a.m. in the morning

of the 14th October. The answers were taken down by the *greffier*, and, like all the other interrogatories of prisoners and witnesses, still exist.

In theory this is the moment when the truth will appear; but an exception must be made in cases where the actors in the drama have learnt a lesson. This is what the Calais family and Gaubert Lavaysse had done, and they proceeded to repeat it very much in the same words. They said that they had sat down to dinner at seven o'clock with Gaubert Lavaysse, who had been invited by chance that night. After dinner Marc-Antoine got up to go to the café, as was his nightly custom. The rest had gone on chatting till about 9.30. Pierre Calas had then gone downstairs with Lavaysse, in order to escort him with a torch to the door. While going along the passage to the street they noticed that the door of the *boutique* was open, which was unusual. They looked in and saw by the light of the torch the body of Marc-

Antoine extended on his back. He was dressed, as David de Beaudrigue had seen for himself, in his shirt, breeches, black silk stockings and shoes, with iron buckles. His coat and waistcoat had been taken off and neatly folded and placed on the side of the table. The examination of the body had shown that there were two knives in the pocket of the coat, and also certain letters and papers.

As for the neighbours, they deposed to shouts and cries and calls for help, and to groans as of a person dying, to rapid movements in the house and to the old servant Jeannette Viguier having come out, crying: "*Ah! Mon Dieu! on l'a tué!*". But they also testified to a much more important fact (if it was well-founded), namely, that Marc-Antoine had wished to become an advocate, and had resolved, with that end in view, to follow the example of his brother Louis and to become a Catholic. They stated that he went to Catholic churches, particularly to the ser-

vices of *les Pénitents Blancs,* and was about to be received into the Catholic faith. The terrible suggestion was made that Jean Calais, determined to prevent what he regarded as a second apostasy in his family, had strangled or helped to strangle his son.*

David de Beaudrigue was so far dissatisfied with the story told by the witnesses that he proceeded to arrest Jean Calas, his wife, Pierre Calas, Gaubert Lavaysse, and the servant, Jeanne Viguier, and to send them to separate cells so that they should not be able to communicate with each other.

In the course of the day, however, the

* That this suggestion was made at once appears from an interesting contemporary letter cited in Coquerel (p. 337), written on the morning of the 14th October by one Domerc, a minor official at Toulouse, to M. de Saint-Priest, the Intendant of Languedoc. After giving a rapid and somewhat inaccurate account of the events of the previous night, in the Rue des Filatiers and of the steps taken by "Monsieur David," he goes on to say: "Ce Meurtre a fait une grande sensation dans cette ville dont le

prisoners, or some of them, were apparently allowed to see a lawyer of the name of Carrière and a friend of the Lavaysse family, and the visit had important consequences.

On the following day, the 15th October, the prisoners were again interrogated. To use the expressive French phrase, they completely changed their system. They now asserted—with the same unanimity which their statements had presented at 1 a.m. on the 14th—that what they had then stated was untrue, and that they had lied to safeguard the honour of the family. Their object had been to prevent the disgrace of a suicide's burial, which would

monde est dans une consternation étonnante dans le quartier du Sieur Calas père, que l'on soupçonne de concert avec la famille être l'auteur, parceque le jeune homme donait depuis quelque tems des marques de catholicité contre le gré de ses parens et qu'il était même à la veille d'abjurer leur réligion." It will be noted that Domerc has already decided that the death was due to murder. (It should be observed that in this and other extracts from contemporary documents, the old spelling has been retained.)

have involved the corpse of Marc-Antoine being dragged naked on a sledge or a hurdle to an ignominious hanging and subsequent burial: for (they said) the truth was that he had frequently threatened to commit suicide, and that he had in fact hanged himself. "*Nous l'avons trouvé pendu.*"

It may be observed, in parenthesis, that a man who commits suicide by hanging generally requires three things, a fairly strong and sufficiently long cord, a secure place to fix the top of the cord, and means for launching himself with the cord round his neck, so that his feet will be substantially off the ground.*

The prisoners were ready with some

* Nothing, however, is more certain than that suicide by hanging may often occur where the suspension is only partial. A celebrated instance is that of the Prince de Condé, who committed suicide in his bedroom on the 27th August, 1830, with his feet touching the floor. Dr. Tidy (Legal Medicine, Part II, p. 402) quotes M. Pardieu as having collected 261 cases where death by suicide resulted from an incomplete form of

necessary and striking details. They alleged that Marc-Antoine had been found hanging by a cord of which the upper end was fixed to *un billot de buis* (a strong box-wood stick used in the business for tightly packing rolls of stuff so that they might be easily handled), and that this stick was resting on the top of the two leaves of the partly open double door, which, as above stated, communicated from the back shop or *magasin* to the *boutique* in front.

hanging. Taylor, in his Medical Jurisprudence (7th edition by Dr. F. J. Smith, 1920, vol. I, p. 721) goes so far as to say that the popular opinion which would attach the idea of homicidal interference to cases in which the feet are in contact with some support is so far from being well founded that we ought rather to consider these facts as removing a suspicion of homicide, for there are probably few murderers who would suspend their victims, either living or dead, without taking care that the suspension was not partial, but complete.

It may be added that the pages of Taylor and Tidy will amply demonstrate that suicides often adopt the most extraordinary and unlikely methods of self destruction.

David de Beaudrigue says that he asked two questions. The first—had Marc-Antoine a chair or some steps by him? The answer was " No, his feet were nearly touching the ground." The second—had there been any light in the room? The answer was, no means of light whatever.

David de Beaudrigue seems to have had little doubt from the first of the guilt of this family of heretics. Immediately after his examination of the accused he wrote his *Procès Verbal* or official account of what he had seen and done. Very shortly afterwards, on the 18th October, he wrote a letter to Monsieur de Saint Florentin, the Minister of State of Louis XV.* These

* Louis Prelypeaux, Comte. de Saint-Florentin (born 1705) succeeded his father in 1725 as the head of the department of the affairs relative to the " réligion prétendue réformée." In 1744 he was appointed to be one of the principal Ministers of State by Louis XV, and he is said to have in effect governed the internal affairs of France till he resigned in 1775. with very little interference by the King. It is certain that he signed a prodigious number of *lettres de cachet.*

contemporary documents are of great interest and importance, and they are (as translated) in the following terms:—

Procés Verbal of David de Beaudrigue.

"In the year 1761 and on October 13th, we François Raymond David de Beaudrigue, *Ecuyer, Capitoul,* being in our private house towards half-past eleven in the evening, were visited by M. Borrel, late Capitoul, and M. Trubelle, merchant of this town, who told us that, walking along the Grand 'Rue in the company of a gentleman who had been supping with them, they found opposite the house of M. Calas an enormous number of persons, and having asked the cause of this crowd, they were told that a man assassinated and dead (*sic*) had been found in the house of the said M. Calas; and on this informa-

He was very unpopular, and on his death, in 1777, the following suggested epitaph was published in the Parisian newspapers:—

"Ci git un petit homme à l'air assez commun,
Ayant porté trois noms, et n'en laisant aucun."

tion we took ourselves to the Town Hall to get our guard *(main forte)*, and after having informed Maître Monyer, our assistant, we went with the guard to the Calas house, after having informed the officers of the King, who were out; and having found the door of the said house shut we knocked on the said door, which was opened to us by a servant, and we went into the passage, where we found a young man,* and having asked him to tell us if there was not in the house a body of a man who had just died a violent death, he told us that such was the fact, and having taken a key out of his pocket he opened for us the door of the *boutique,* which gave on to the said passage and led us to the door of the *magasin,* which is alongside the said *boutique,* near to which we found the corpse of a young man lying on his back, bare headed, in his shirt, having on only his breeches, his socks and his shoes; and

* Obviously Pierre Calas.

having asked the young man whose was the said corpse, he told us that it was his brother son of the merchant Calas, and having examined the said corpse it seemed to us that he had not died a natural death, which obliged us to send for Maître Latour, a doctor, and *les sieurs* Peyronnel and Lamarque, sworn surgeons of this town; when they had arrived after having exacted from them the oath required in such a case, we instructed them to proceed with the verification of the corpse and to prepare an account of its condition and of the cause of death, and to bring it at once to the office; and immediately after the said sieurs Latour, Peyronnel and Lamarque had acted accordingly, we had the said corpse taken to Town Hall *to the chambre de la gêne*, also his coat which was found on the counter of the said shop where the said corpse was lying. And having searched the pockets of his waistcoat and his coat there was found in the pocket of his said coat a handkerchief of muslin *(d'indienne)* and in the two pockets of the

waistcoat were found several letters and useless papers, and in the pockets of his breeches a penknife and a clasp-knife. The said coat was made of a bluish cloth with a nankin waistcoat. The said corpse was also wearing nankin breeches, black silk stockings and iron buckles on his shoes while those on his garters were of brass the same as the buttons on his sleeves. And when we went away in order to find some explanation and to discover the proof of the cause of death of the said body, we took with us to the Town Hall the Sieurs Calas father and son and the Demoiselle Calas mere, the servant of the said Calas, the Sieur Lavaysse, and a sort of priest (*un espèce d'abbé**) who were found in the house and in the room of the Sieur Calas père, and on this information we have prepared the present Procès Verbal which we have signed as well the said M. Monyer our assistant and our clerk to be dealt with as shall be thought fit.

* This was the protestant called Cazeing, who was not a priest at all. He was, however, released that night.

(signed) David de Beaudrigue, *Capitoul*,
Monyer, *assesseur*,
Michel Dieulafoy, *greffier*."

The letter to the Minister of State.

"The Capitoul David de Beaudrigue to M. de Saint Florentin.

Toulouse, 18th October, 1761.

"Monseigneur,

"I have the honour of sending you the enclosed copy of the *Procès Verbal* which I have prepared to the Calas case, together with a copy of the report on the condition of the body of Marc-Antoine Calas, his son. Though you may easily have informed yourself of the facts by reading the *Procès Verbal*, nevertheless I shall take upon myself to give you some particulars of the affair. I was informed on Tuesday night about 11.30 p.m. that the eldest son of the Sieur Calas had been assassinated.* I hurried to the house with my guard (*main*

* It will be observed that David apparently accepts this statement as correct, and says nothing about the possibility of suicide.

forte) and entered the shop *(magasin de la boutique)* of the Sieur Calas, and found in the doorway the corpse of Marc-Antoine Calas, the eldest son, stretched on the floor; I immediately put guards at the doors and I made sure of all the people of the said household. I then got a report on the condition of the body and that done, I arrested the father, the mother, the son, the servant of the Sieur Calas, and the Sieur Lavaysse *(fils)* who had supped with them; and I caused them to be taken with the body to the Town Hall, where I immediately gave them an official hearing. After which I caused them to be imprisoned and had them separated so that they could hold no communication. I took these proceedings with energy *(avec vigueur)* and I am not wasting a moment in following up this affair. I formed the view, Monseigneur, that an affair of this importance should be communicated to you; it concerns it seems to me both the State and our religion. I should be very flattered, Monseigneur, if under the cir-

cumstances you should approve that which I have done up till now and would give me your commands on the subject so that I could execute them in detail; although the head of the Consistoire (*the body of Capitouls*) is away and I am taking his place, nevertheless my experience left me in no doubt that I should proceed as I have done.

" I have the honour of sending you also a proof of the intended *monitore*.* Nothing will come to pass in this affair without my having the honour of informing you about it. Rest assured, Monseigneur, of my zeal and of all my devotion *(affection)* in this affair, and that I shall neglect no means of discovering the truth.

" I have the honour to be with very great respect, Monseigneur, your very humble and obedient servant,

DAVID DE BEAUDRIGUE,
Capitoul, and Chief of the Consistoire in absence of M. Faget."

* To be explained below. See p. 49.

CHAPTER III.

THE CASE AGAINST THE PRISONERS.

It is not surprising that David de Beaudrigue regarded the new account of the death with more than suspicion. Magistrates and police officers are not very pleased with a complete change of front; but in addition, David knew that the later version had been, so to speak, edited, if not inspired by Carrière, the advocate, with whom the prisoners or some of them had had a talk on the previous evening. Maître Carrière had, in fact, written to his clients three letters of equal impropriety and indiscretion, which had been examined before delivery to the prisoners. One of them is set out by M. Henri-Robert, and is worth transcribing here.

It was* in terms which may be translated thus:

"Do not forget to describe the state in which you found the body and to say that if in your first deposition you did not do so, it was from a fear of dishonouring the family because the body of a suicide is dragged on a hurdle. Remember, if you did not hear cries of 'O, my father! O, my father! *O mon Dieu!*' for there are several neighbours who heard such cries, and in order to prevent misconceptions it is expedient to indicate who it was who cried out. It is useless for me to sign this letter, for you will remember that I was talking to you last night at your supper."

This is hardly the sort of letter which would be written by a lawyer to a client of whose innocence he was entirely con-

* This is how M. Henri Robert has transcribed it. But this may have been the letter to Jean Calas; for there is a much more elaborate letter (Carrière to Lavaysse) published in Coquerel (p. 441), which will be found in the Appendix at p. 163.

vinced, and it had the effect of adding to the growing conviction in the mind of David de Beaudrigue.

A number of witnesses were examined. The English rule excluding hearsay evidence has never obtained in France, and this naturally leads to a great multiplication of testimony. The Capitouls, or rather their *Rapporteur,* heard eighty-seven witnesses. Of these twenty-two were found and examined before the intervention of the Church, to be described later. The remaining sixty-five came forward later. It may be added that when the matter reached the *Parlement de Toulouse* a further thirty-seven witnesses were examined. David de Beaudrigue was untiring in his efforts to get up the case. On the night of the tragedy (the 13th October) he had omitted in the hurry of events to cause the house to be thoroughly searched. Three days later (on the 16th October) he returned to the Rue des Filatiers, where he had left a guard of soldiers, and on making

a search found both the cord and the *billot de buis* in the *magasin*. The latter had some hairs of the deceased still adhering to it. On the 4th November he went to the *Chambre de la Gêne* (a pleasing euphemism for the torture chamber) at the Town Hall and measured the length of the corpse (which was being preserved in lime). On the 8th November he went with another Capitoul (Chiras) to the Calas house and proceeded to measure exactly the size and height of the folding doors, and to examine the top of the leaves on which the fatal *billot* was said to have rested. He had already measured the corpse, the length of the *billot* and the length of the cord. His measurements are in *pans* and *pouces*. A *pan* or span, an ancient South of France measure was (according to Littré) of 8 *pouces* or, say, 24 centimetres. A *pouce* (rather longer than the English inch) was one-twelfth of the French *pied;* and roughly the *pouce* was 2.7 centimetres and the *pied* 32.4 cent-

imetres. A centimetre is .393708 of an inch.

David made the following points. The opening of the door was 5 pans, say 120 centimetres (nearly 4 feet). The height of the door was 9 pans, say 216 centimetres (about 7 feet 1 inch). The *bille* or *billot* was 4½ pans, say 108 centimetres (about 3 feet 6 inches). Each leaf of the door was, therefore, about 60 centimetres (say 2 feet) in width.* The *billot* must overlap to be placed securely on the two leaves. It follows that the leaves of the door could not have been wide open if the *billot* is to rest firmly on them. Few less convenient places for a suicide by hanging can be imagined; for it is not easy so to place the stick that the feet of the hanging body will not kick the door; and a good kick may bring down the apparatus.

* These measurements are taken from Sudre (to be referred to later) at p. 47. They do not quite agree with those of M. Henri-Robert, but the differences are not material.

David de Beaudrigue also pointed out another difficulty. The slip knot could easily be placed round a suicide's neck and the other end of the rope could be securely knotted round the stick; but how is the stick to be placed on the doors while the slip knot is round the suicide's neck? The most obvious way seems to be to raise the stick horizontally with both hands at the back of the head and to slip the stick over the ends of the doors. But David pointed out to Jean Calas that Marc-Antoine could not without some support, a stool or chair or box, get the stick over the doors. This is his official account of what he said to Jean:—

"We represented to him that the height of the door is *nine pans,* that the height of Marc-Antoine is *seven pans five pouces,* that the rest of the cord which Jean Calas says was fastened to the stick is about *one pan,* from which it clearly follows that if you subtract the height of the head, which is more than *one pan,* Marc-Antoine's

available height, that is, the rest of his height and the cord fastened to the stick, was only about *seven pans. (Marc-Antoine n'avait de hauteur avec le restant de sa taille et la corde attachée à la bille qu'environ sept pans.)* And since Calas has admitted that his son had near him neither chair nor steps, it would, therefore, have been necessary in order that his said son should have put the stick upon the leaves of the door, that he should raise himself by about *two pans,* while holding the stick behind his head with his two hands, which is absolutely and physically impossible. From which it follows that his son could not have hanged himself."

David proceeds to add: "Firstly, that the *bille de buis* was round and slippery; if you place it on the leaves of the door, however little you move yourself perpendicularly or from side to side with the cord, the *bille* will slip and fall, and *a fortiori* would it have fallen at once by reason of the violent tugs and the agitated move-

ments of his son, if he had tried to hang himself.

" Secondly, that if he had in fact hanged himself, as the result of his agitated movements, he would have inflicted blows on the leaves of the door, which would have completely opened."

And then David says that on the top of one of the leaves there are thirteen ends of string which have not been displaced, and further, that " all along the top there exists the thick dust which is the growth of time on furniture which is not dusted, and this dust has not been touched."

To this David adds that is it difficult to believe that a man would choose to commit suicide in such a way in complete darkness, that he would take off his outer clothes and carefully fold them on a table, that he would put on a cravat that he was not in the habit of wearing, and which could only make his design more difficult, that he could in those circumstances arrange the *bille de buis* on the top of the

door, and that he should proceed to do all this and to commit suicide, leaving the door in the passage open so that anyone might interfere with his tragic design.

And then it is pointed out that Jean Calas had told an untruth when he said that he had cut down his son; for the cord had been found uncut. On the other hand it was not (so David alleged) long enough to allow for its having been passed twice round the neck of Marc-Antoine and also fastened to the *billot de buis*. Yet the marks of strangulation on the neck clearly indicated a double cord.

And to all this it is stated by David, but not quite accurately, that Jean Calas could make no answer.

The motive suggested for a murder by Jean Calas, as already stated, was an alleged determination to prevent a second conversion in a Huguenot family. M. Henri-Robert, in his Essay, attributes considerable weight to the fact that when Louis Calas had been converted to Cath-

olicism the father had refused to support him, and that he had been forced by the action of M. de Saint-Priest, the Intendant of Languedoc, in September, 1761 (one month only before the death of Marc-Antoine) to make a first small payment towards the support of his penniless son, whom he had kept without means for five years. We must return later to the question whether the available evidence shows that Marc-Antoine was really on the point of following his brother's footsteps in regard to religion, merely observing here that great harshness to an apostate son does not necessarily suggest a murderous mind.

The witnesses were examined in private by the Rapporteur of the Capitouls and his clerk. They gave evidence on four main heads: the first, as to the sounds and cries heard in the Grand' Rue des Filatiers on the night of the tragedy and the appearance and actions of the accused; secondly, as to the harsh conduct of Jean Calas in

reference to his son Louis (the convert to Catholicism); thirdly, as to alleged reproaches or threats made by Jean Calas to his son Marc-Antoine; and fourthly, as to the visits of the last-named to various Churches in Toulouse and his alleged desire to become a Catholic. Some comments on this evidence will be found later.

David de Beaudrigue appears to have been completely convinced of the guilt of the accused. Other and more eminent persons have taken the same view.

M. Henri-Robert sums up the case against Jean Calas and his family in the following sentences in which we may almost hear the voice of a great advocate addressing a French jury:—

"Rapprochez tous ces mensonges, toutes ces impossibilités, toutes ces contradictions du premier système soutenu par les Calas disant avoir trouvé le cadavre couché à terre et tentant, par leurs démarches et leurs déclarations, par toute la mise en scène organisée par eux, d'accréditer la

version d'un assassinat commis par des malfaiteurs venus du dehors.

" Ajoutez à cela les cris, les appels à l'aide, les plaintes, les allées et venues suspectes, tout cet ensemble de bruits inexplicables et inexpliqués entendus par les voisins.

" Rappelez-vous encore la dureté intransigeante du père Calas, laissant, pendant cinq ans, son premier fils converti dans le dénuement le plus complet, ne cédant qu'aux menaces directes de M. de Saint-Priest pour la pension alimentaire."

And then, after referring to the popular clamour against the Calas family and an ecclesiastical intervention which must be mentioned in more detail later, M. Henri-Robert concludes that we must not be surprised that on the 18th November 1761, the tribunal of the Capitouls condemned Jean Calas, his wife and son to suffer torture (*question ordinaire et extraordinaire*) and that Lavaysse and the servant Viguier should be " presented " to it.

It should be added that the Capitouls, eight in number, were much divided in opinion. Carbonel, the "Rapporteur," who alone had seen all the witnesses, was for acquittal. Labat was for hanging Jean Calas, his wife and son, and sending Lavaysse to the galleys for life, and acquitting Viguier. Forlup was for torturing Jean Calas and respiting the other prisoners till the result became known. Boyer was for torturing Jean Calas, his wife and son, and " presenting " Lavaysse and Jeanne Viguier to the torture. Chirac agreed with Boyer. David de Beaudrigue appears to have agreed with Labat (for execution) except that he wanted Viguier sentenced to " cinq ans d'hôpital." Roques, the presiding judge, was for torturing the whole five. Labat then withdrew his view and agreed with Boyer. So did Forlup. Thus by six judges the torture of Jean Calas was decreed, obviously with the hope of obtaining admissions which would decide his fate and that of the other four accused.

David was not satisfied. His letter of the following day to M. de Saint Florentin will be found in the Appendix. (p. 173.)

There was, however, a technical defect in the judgment. The Capitouls had no jurisdiction to "present" an accused to the torture—a phrase which indicated the fastening of the prisoner to the instrument of torture, making every preparation and threat in order to obtain an admission, and then letting him go without suffering any physical pain.

Both the Crown and the accused appealed, the former because the sentence was too indulgent. On the 5th December 1761, the Parlement de Toulouse set aside the judgment on the technical ground above mentioned, and retained the case for trial. This is the trial which resulted in the torture and death of Jean Calas.

CHAPTER IV.

THE INTERVENTION OF THE CHURCH.

It is necessary in order to understand the nature of the evidence to state how the Church had intervened in the case; and how and under what conditions the trials were conducted, especially that before the Parlement de Toulouse. Here we part company with M. Henri-Robert and must derive our information from M. Coquerel and other sources.

In 1761 (and till the French Revolution) the Crown in criminal cases employed a special method of obtaining evidence. The *procureur du roi* drew up a *Monitoire* which was sent to the various Churches and posted in the streets—in substance a warning to those who knew by hearsay or otherwise of certain suggested facts that unless they came forward and declared

them they would be excommunicated. If this produced no result, the same *Monitoire* was *fulminé* in the Churches, that is, those who had the necessary knowledge and had abstained from coming forward were solemnly excommunicated. This was probably a very efficacious way of obtaining evidence in France in the seventeenth and eighteenth centuries; but in order to obtain a just view of the facts it is obvious that the *Monitoire* should have been impartial and should have invited the testimony of witnesses to facts in favour of the accused or those suspected of the crime as well as of witnesses to facts tending to convict them. This was the more necessary because the accused had no right themselves to call witnesses or to give evidence of any kind; and there was a strict rule that no witness who came voluntarily forward was to be heard. *Testis se offerens repellitur a testimonio* was their maxim! The law as to *Monitoires* accordingly required absolute impartiality. But it will be evident

that at least at Toulouse the law in this respect was not observed; for the *Monitoire*, which was posted and also read in the Churches of the locality on the three Sundays of the 18th October, 25th October and the 8th November 1761 was (as translated) in these terms:—

Monitoire

1. Against all those who know by hearsay or otherwise that le Sieur Marc-Antoine Calas the elder had renounced the so-called Reformed Religion in which he had been educated; that he attended Roman and Catholic Churches; that he attended the sacrament of penitence, and that he was about to make a public abjuration after the 13th of the present month of October and against all those to whom Marc-Antoine had disclosed his determination.

2. Against all those who know by hearsay or otherwise that by reason of this change of belief, Marc-Antoine Calas was threatened, ill-treated and

regarded with disfavour in his home; that he who threatened him told him that if he made a public abjuration he would have no other executioner than he who threatened.

3. Against all those who know by hearsay or otherwise that a certain woman who is credited as being a heretic has urged her husband to make like threats and herself threatened Marc-Antoine Calas.

4. Against all those who know by hearsay or otherwise that on the 13th of the current month a council was held in a house in the Parish of Daurade,* when the death of Marc-Antoine Calas was determined on or recommended, and those who on the same morning saw a certain number of the said persons entering or leaving the said house.

5. Against all those who know by

* Not, be it noted, the Parish in which the Rue des Filatiers was situate, but that in which Cazeing lived.

hearsay or otherwise that on the said 13th October, after nightfall, about ten o'clock, this execrable resolution was carried out, by forcing Marc-Antoine Calas to his knees and by surprise or force † strangling or hanging him with a cord with two slip knots or rings, the one to strangle and the other to hold to the *billot* used for tightening bales, by which means Marc-Antoine Calas was strangled and put to death either by suspension or by torsion.

6. Against all those who heard a voice crying "A l'assassin," and then "O, my God, what have I done? Mercy, mercy!"; the same voice turning to a moan of "O my God! O my God!"

7. Against all those to whom Marc-Antoine Calas communicated the anxieties which he experienced in his home, which made him sad and melancholy.

8. Against all those who know that on

† It is important to observe that this was and remained the theory of the prosecution.

the eve of the 13th a young man of Bordeaux* arrived from that town who not having found horses for the purpose of joining his parents who were at their country residence, having been kept to supper in a certain house, was present, either consenting to or taking part in that which was done.

9. Against all those who know by hearsay or otherwise, who are the authors, accomplices, aiders and abettors of this crime which is of a most detestable character.

Finally, against all those who know and do not reveal the aforesaid facts circumstances and details.

Here is, by necessary implication, a complete account of a " detestable crime " committed obviously by Jean Calas, aided by his wife, abetted by Lavaysse, the motive being to prevent an intended public abjuration of the Reformed Faith by

* Plainly Gaubert Lavaysse.

Marc-Antoine. Those who could have given evidence denying the assumptions of each head were not invited to do so. Judges who were going to be content with hearsay evidence were plainly manufacturing it wholesale! It remains to be said that this *Monitoire* which was duly "fulminated" on the 18th December, continued substantially in all its details to be the Case for the Prosecution, as is shown by the Procès Verbal of the execution on the 10th March, 1762 (to be set out later), which contains a complete account of the Interrogatories put to Jean Calas before, during and after the torture and up to the moment of his death. We have to see how far the Case as presented by the *Monitoire* was proved.

On the 7th November 1761, the Judicial Authorities ordered the burial of the body of Marc-Antoine which had been lying in *la chambre de la géne* since the 14th October. If Marc-Antoine was a suicide and a heretic—in other words if the prisoners,

Jean Calas and his family were innocent —the Catholic Church was not concerned. On that hypothesis Marc-Antoine would not have been regarded as worthy of any form of Christian burial. But two of the Capitouls invited the priest of Saint-Etienne, the parish in which the Calas family lived, to give Marc-Antoine a Catholic funeral. The invitation was accepted and poor Marc-Antoine received a magnificent Inhumation. The hour chosen was three o'clock on the Sunday afternoon. The city turned out in its thousands. Forty priests headed the procession to the Hôtel de Ville. The White Penitents were there with wax tapers and banners. The body was buried in the Church of Saint-Jacques. A few days later the White Penitents held in their chapel a splendid service for the soul of the martyr Marc-Antoine. All the religious orders were represented. The chapel was hung with white. There was a magnificent catafalque surmounted by a skeleton holding a palm emblem of martyrdom in its

right hand, and in the other hand a writing with the words "Abjuration of Heresy" in large letters.

The Catholic Church had thus in effect decided that Jean Calas, with or without assistants, had murdered his eldest son in order to prevent him being solemnly admitted into that Church. It has been truly remarked that this constituted a very disquieting atmosphere in which Justice was to determine the question of guilt or innocence of a Huguenot, especially in the year 1761 and in a town such as Toulouse where religious bigotry ran high. As long before as the 17th May 1562 (some ten years before the terrible day of Saint-Bartholomew) the good people of Toulouse had massacred all the Protestants they could find; and an annual procession had commemorated the event. Voltaire in his inimitable way characterised it as *la procession annuelle où l'on remercie Dieu de quatre mille assassinats.* It was a little unfortunate that when the Calas affair was

agitating the whole of the population, the Church, with the aid of the Capitouls, was preparing a very special bi-centenary of the day of 1562 and had obtained from Clement XIII a papal Bull giving the faithful certain religious privileges for the period of eight days. But we are concerned here not so much to criticise the trial of the Calas family—which is only too easy—as to investigate the question whether Jean Calas was truly innocent or guilty. The *Monitoire* (together with the other acts of the Church shortly outlined above) seems to afford an almost certain means of determining the important matter of motive. If Marc-Antoine was really about to abjure the Reformed Religion some priest or priests and probably some lay advisers must have known of it; and he or they had every reason to come forward and to give evidence in relation to the first head of the *Monitoire*. The facts are striking. Jeanne Viguier, who had assisted to convert Louis Calas, would certainly have

known and perhaps boasted of her like success with Marc-Antoine. She was a prisoner and could not be a witness, but when interrogated (as were all the prisoners again and again) she vigorously denied that Marc-Antoine had any desire to be a Catholic. Louis Calas, the converted brother, might also have been expected to know the truth. His feelings when Marc-Antoine was being given a martyr's funeral can perhaps be imagined; but he at least, though not a hero, was unwilling to be entirely passive while the service that treated his father as a murderer was in progress. It seems that he was himself a White Penitent; and he attended the service above described in order to protest. He found his way to the Sacristie and there produced a document on stamped paper (a French touch which connotes a legal act) by which he, as legal attorney for his father, called upon the White Penitents to state by what right they considered Marc-Antoine as one of their Order and sum-

moned them to exhibit their registers to see if his name was there inscribed. Nothing of course came of this, but there can be little doubt that Louis was quite unaware of any conversion of Marc-Antoine, and it is certain that the latter was never a White Penitent.

We may perhaps pass by the father and mother, for if they were guilty they might be astute enough to see that an admission by them of the intended Abjuration of Marc-Antoine would afford serious if not damning evidence against themselves. But where was the confessor and where the priests or the Catholic friends who had instructed the deceased, or to whom he had spoken of his religious doubts or intentions? The *Monitoire* and the Fulmination were alike totally unable to find them. It is true that many witnesses came forward to say that they had seen Marc-Antoine in Catholic Churches, though no trustworthy witness had ever seen him attend a Mass. In parenthesis it may be said that

there was evidence given by one Alquier in the Rehabilitation Trial that Marc-Antoine often visited the Churches of Toulouse to see the works of art which they contained, and the same witness says that Marc-Antoine showed no desire whatever to change his religion. But in the absence of the smallest tittle of evidence from a priest or a confessor that Marc-Antoine had been or was in course of being converted, his visits to the magnificent churches of Toulouse seem to be of no serious weight.

On the other hand there was at least some evidence available tending to show that Marc-Antoine was a stiff and unyielding Protestant. He wished to be an advocate like David Lavaysse and his son Etienne, who were Huguenot friends of the Calas family. All that was necessary was a Certificate from a Priest that Marc-Antoine had performed certain acts of the Catholic faith. This Certificate David Lavaysse and his son had obtained; and it does not appear that the Calas family

thought the worse of them for thus bowing down in the House of Rimmon. Marc-Antoine had studied Law and was admitted as *bachelier* on the 18th May 1759. But at the moment when he was about to take the title of advocate, he came up against a difficulty which sent him back to his father's shop. He required, as he of course knew, the Certificate of Catholicity. He applied for it to the *Abbé Boyer*, the curé of his parish. Someone warned the latter, and he refused the Certificate unless Marc-Antoine could produce an attestation by a priest who had heard his confession and would answer for his good faith. This is said to have destroyed all Marc-Antoine's hopes of a future. But if he had changed his mind by October 1761, why did he not go to a priest and confess and obtain his Certificate? His father might have been annoyed; but if the confession was merely or mainly for the purpose of becoming an advocate, it seems unlikely that the annoyance would have been very lasting. It is

in this connection an important fact that all the Calas children had been baptised (it is to be gathered for civic reasons) in a Catholic Church.

There was indeed one witness for the accused, a friend of Marc-Antoine's, called Beaux, examined at the request of Jean Calas. He, though a Protestant, had obtained a Certificate and was received as an advocate at Toulouse. On his return from the ceremony at the Palais de Justice, he passed Marc-Antoine at the door of the shop in the Rue des Filatiers and asked him when he was going to do the same. Marc-Antoine is reported to have replied that it was impossible for him because he was not willing to perform any act of Catholicity.

One other fact should be stated in this connection. Marc-Antoine's pockets and papers and drawers were searched by David de Beaudrigue, and he could not find a single Catholic religious book or manual or piece of paper or letter of any

kind, nor Beads nor a Crucifix, nor any other Catholic token or object.

It may safely be stated that there was no evidence worthy of the name that Marc-Antoine intended in Octobèr 1761 to change his religion and, further, that there are reasonable grounds for thinking that it was his firmness or his obstinacy (whichever one likes to call it) on this point that had cast and was continuing to cast a shadow on his life.

CHAPTER V.

AN ARGUMENT FOR JEAN CALAS.

We must now consider briefly the evidence with regard to the cries and exclamations which were heard at the ill-fated house at about half-past nine or a quarter to ten on the night of the tragedy.

It should be added that the Grand' Rue des Filatiers was at that date the busiest commercial street in Toulouse. Many people were sitting out in the street between the hours of nine and ten or were passing on foot along it. The Grand' Rue still exists and where not widened is about 25 or 26 feet wide. There is not the smallest doubt that when the body was found, there were cries and exclamations heard in the street. But there was no agreement as to what was heard. Some witnesses (one Cazalus for example) heard the words

"Ah! mon Dieu! Ah! mon Dieu!" Several witnesses thought they heard the cries of "Au voleur!" and "A l'assassin!" Others said they heard the shout of "Ah! Mon Dieu! On m'étrangle." Another heard "Ah! Mon Père, vous m'étranglez." Another, "Pourquoi m'étranglez-vous?" Another, "Ah! mon père vous me faites tuer; vous n'avez pas pitié de moi." And finally one witness deposed to the words "Mon père, laissez-moi faire un acte de contrition." A great deal of this evidence was hearsay at first or second hand. And all of it related to the same period of time, just before the two young men ran out of the house to fetch a surgeon.

There was of course no cross-examination possible. It is indeed a curious circumstance that according to the procedure of the day the Rapporteur was only allowed to put the questions which had already been prepared and set forth in writing in what was called a *brief intendit*. All the questions had to be put even if the

first answer showed that all the following questions were useless. It was against the law to let the witnesses see the various *briefs intendits* before their answers were given; but in this respect the Capitouls and the *Parlement* were in the habit of disregarding the law by reading the *intendits* to the witnesses so that they knew exactly what they were desired to say. This practice was severely condemned at the Rehabilitation Trial.*

The important question arises, whose were the cries that the witnesses heard or thought they heard—those of the victim or of the supposed murderers?

The case made by the Capitouls was that they were those of a victim who was being murdered by hanging or strangulation. (See the sixth head of the Monitoire *supra*). Then it follows, one, that he was not first rendered insensible and then hanged, and two, that when the neighbours, followed by the Sieur Gorsse, entered the

* See Coquerel, p. 255.

house, Marc-Antoine Calas was just dead. Now it is certain that the body had no mark of any bruise or injury whatever except the mark of the cord. The Surgeons' Report set out above *in extenso* and made at the time is perfectly conclusive on this point. How was it possible for the people in the house to hang Marc-Antoine, or first to strangle and then to hang him, without a violent struggle, if the conditions were such that he could still cry out and call for help and then groan for some time? But there can have been no struggle. The Surgeons found none of the injuries that are inevitable in a fight for life.* Further, it is certain that when the Sieur Gorsse came in, which was only a few minutes later, Marc-Antoine had been dead for some time. Gorsse stated in his deposition that " having placed my hand on his heart, I found it cold and without movement." A Catholic neighbour, one Delpech, gave

* See the Report of the Surgeons (ante, pp. 19 and 20).

like evidence. "I felt him," he said, "on his stomach and other parts of his body, which I found cold, but without injury." Coldness, of course, is a relative term and a human body cools very slowly after death; but if Marc-Antoine had been killed within half an hour or less it seems unlikely that any witness could have used the word.

Yet another point may be noted. On the 15th October the Surgeon Lamarque made a post-mortem examination and his Report,† though in the light of modern science not a very skilful performance, leaves little doubt that Marc-Antoine had in fact supped with the family as they had all stated and that digestion had been largely accomplished. It is true that he thought some pieces of the half-digested meat which he found were of beef, whereas in fact they were of pigeon; but this does not weaken the evidence that he had eaten at least an hour or two before.

† Set out *in extenso* in the Appendix (p. 168).

The conclusion is almost inevitable that what the neighbours heard were cries from the Calas family other than Marc-Antoine. This does not prove their innocence; for if they had murdered Marc-Antoine two or three hours before they would naturally exhibit all the noisy grief of a Southern race when they were about to make the death public; but on the other hand it wipes out of the case against them any reliance on the sounds or cries heard in the Rue des Filatiers between nine-thirty and ten o'clock. Indeed, one may ask what reliance could ever have been safely placed on contradictory evidence of this kind, as to sounds coming from the interior of the ground floor of a house of which both the shop window and the street door were shut?

One further observation may be made at this stage and it arises in reference to the alleged cry of Jeanne Viguier "Mon Dieu! on l'a tué!"—a cry which she persistently denied having made. This cry

is plainly not that of a murderess or of one who has assisted in a murder. What then was the theory of the prosecution? Jeanne was a devout Catholic who was proved to have attended Mass daily and to have received the Communion twice a week. She had had the leading part in converting Louis Calas. It plainly cannot be suggested that she would assist in the murder of Marc-Antoine because he was about to accept her faith! Then why was she accused? Or, being accused, why was she not at once released? It was obvious that she was innocent of the crime; but being an accused, she could not give evidence. One is loth to believe, as M. Coquerel did, that this was a calculated result; but there seems to be some ground for the suspicion. And it must be noted that the presence of an innocent Catholic in the house makes the crime (if any) much more difficult. The least struggle, the least outcry, and Jeanne will be upon the spot and must also be dealt with some-

how by the murderers. It would have been easy to send her out on an errand; but she is allowed to cook and serve the supper which *ex hypothesi* is to be followed by a slow and calculated murder. Jeanne was, of course, interrogated again and again. She told a clear and consistent story ; which agreed with that of the other prisoners. The important part of it was that she had not left the Calas family and their guest, that she had served the supper from the adjoining kitchen on the same floor, the door remaining open, and that Jean Calas and his wife and his son and the guest Lavaysse had remained in the supper-room after Marc-Antoine had left it and until Pierre Calas and young Lavaysse went out when the latter took his leave. If Jeanne had been a witness, on what grounds could this story have been rejected? It has already been stated that she denied the exclamation that was attributed to her ; but a wild exclamation by a servant when she is told or sees that her master's

eldest son is suddenly dead is really not a foundation for anything.

Jeanne was not only innocent; but was, as we shall see, unanimously acquitted by the Parlement de Toulouse. What could the Prosecution say about Lavaysse? If both Jeanne and Lavaysse were innocent, the crime, if determined on, became impossible for the early evening of the 13th. If murder was intended there was no need for hurry; for it is manifest on any view of the evidence that no public "abjuration of Heresy" by Marc-Antoine had yet been arranged. Moreover, the crime could readily have been postponed at least until Lavaysse had gone to his friend's house and until Jeanne was in bed and asleep. The intended victim would probably also be in bed and perhaps asleep, which would, of course, facilitate suffocation. It is indeed the classical moment for murder by suffocation. But Lavaysse was in the house. It would have been stark madness for Jean Calas and his son to have

attempted a murder by hanging with Lavaysse in the house unless Lavaysse was an aider or abettor, especially as the Catholic servant was there to give the alarm. It was therefore absolutely essential for the Prosecution to hold to the view that Lavaysse was guilty and to suggest that he took an active if not the principal part in the crime. One asks in vain what inducement he had to take part in it. His father and his brother had pretended to be Catholics in order to be permitted to enter a learned profession. Why should Lavaysse assist to murder his friend Marc-Antoine? An abjuration by Marc-Antoine would not disgrace the Lavaysse family! The young Lavaysse was nearly twenty years old. He had been educated by the Jesuits. His family had been ennobled, and he was entitled to wear and did wear a sword. He was *l'homme à l'épée* in the statements of witnesses. His father was one of the best known advocates of the Midi. The world was before him. As it

happened he had been sent to Bordeaux to learn pilotage and English, and he was then going to an uncle at San Domingo for some years. He was on his way through Toulouse to a place called Caraman to bid his parents good-bye, when he became involved in the Calas drama. Arriving at Toulouse on the 12th October, he stayed the night with a friend, Cazeing, (who has been mentioned above) for whom he had letters. The next day, the 13th, he found a difficulty in hiring a horse to carry him to Caraman, the grape-harvest being in full swing. He saw his friend, Pierre Calas, a Huguenot like himself, as he passed the house in the Rue des Filatiers, and was asked to supper. In an unlucky moment he accepted the invitation.

The above statement as regards Gaubert Lavaysse is, it is true, contested in some of its minor details; but substantially it may be accepted as correct. If so, how can anyone seriously entertain the idea of a crime being, so to speak, casually

committed by this young man on his way through Toulouse to see his parents? Some bigots invented the idea that the Huguenots of France had a regular system of executing intended converts to Catholicism, and suggested that Lavaysse was the "executioner." It is sufficient to say that this is a figment of a distorted imagination, with no kind of evidence to support it. The honourable reputation of the Huguenots as citizens wherever they were driven by persecution is well-known. Moreover, who would think of selecting for such a terrible appointment a young man not yet twenty, educated by the Jesuits, whose father and brother had outwardly conformed to the Catholic faith? Further, if conversion was a ground for murder, why was Louis Calas and why were many other converted Huguenots left unmolested? Their mortality after conversion was no greater than before. It would be waste of time to say anything more of this theory, which no one (not even the Abbé Salvan) has supported of late years.

But the difficulties of the murder theory did not and do not end there. Those who contended for the guilt of Jean Calas ought to have been able at least to suggest some plausible view of the event. Let it be granted that Jean Calas wished to murder his eldest son, and that Louis Calas and Lavaysse the guest have promised to assist. They have constructed a plan. What is it? Is it murder by hanging? It is terribly difficult to accomplish such a murder with the means at hand. A Texas crowd may lynch a negro on a tree; a Parisian mob may hang an aristocrat on a lantern; but can three men, of whom one is over sixty-three, hang a young man of twenty-nine in full possession of his faculties without a tremendous and a noisy struggle? One person has to seize and hold the legs of the victim, another his arms, and between them they must get the cord round his neck, lift him into position and let him go. And all this at nine-thirty in the evening without arousing the street or the fervent Catholic upstairs!

Accounts of crimes committed in many lands have shown that when there is a life and death struggle between unarmed men, a record almost always exists on the hands of the combatants. Injuries resulting from blows on the face are not uncommon, clothing is apt to be torn and buttons sometimes fly off: scratches and abrasions on the hands are inevitable. Yet the surgeons and David de Beaudrigue, who hunted for these things, found none of them. Moreover, it is necessary to conceive the extreme difficulty of hanging Marc-Antoine with a *billot* stuck over the leaves of the door, if he was in a position to fight. It may be suggested that the murderers with an obvious prudence had strangled Marc-Antoine first. That indeed seems the only possible way of suspending Marc-Antoine by the available apparatus. But observe the difficulty in which the hypothesis lands the Prosecution. The murderers had a preconceived plan—to strangle, to hang so as to simulate suicide, and then—what? To

cut down the victim and call in the neighbours with a story of assassination! That at least is incredible. Yet Marc-Antoine *was hanged*. The report of the surgeons is conclusive on that point. The direction of the livid mark of the rope (not circular as in strangulation with a bowstring) *qui se perdoit sur le derrière dans les cheveux, divisé en deux branches sur le haut de chaque côté du col*, proves it. Moreover, the rope and the *billot de buis* were both found in the *boutique*. If he was hanged by the murderers they must all have been insane not to have called in the neighbours to see him hanging—which is absurd. Three people who have planned a hanging to disguise a murder do not proceed to change the plan without any reason and to suggest an assassination by strangers. Further, if Marc-Antoine had been strangled and the *billot* used to twist the cord—one of the suggestions apparently made by David—the cord would have shown marks

of being twisted (which it did not)* and some bruise or *ecchymosis* would probably have been visible on the neck at the place where the torsion took place. The surgeons who made their Report above quoted were not without experience of the effects of hanging; it was a very common end to life in 1761; they knew what they were talking about when they concluded that Marc-Antoine *a été pendu encore vivant par lui-même ou par d'autres.*

It seems then that, first, there is really no ground for believing in the alleged motive; secondly, that Jeanne Viguier must be taken to be clearly innocent; thirdly, that even if (contrary to the evidence) the alleged motive existed for Jean Calas, it is in the highest degree unlikely that it could have influenced the mind of the accidental visitor to the family supper; and lastly that murder by hanging was in the circumstances an almost impos-

* See the Memoire of Maitre Sudre in the Appendix.

sible achievement. If these four propositions are true, it is scarcely worth while to discuss the harshness of Jean Calas to his apostate son or his alleged quarrels with Marc-Antoine, the evidence of which amounted in truth to very little. The harshness to Louis is stoutly denied by the Protestant apologists. M. Henri-Robert takes the other view and the impartial reader of the evidence on this point will probably agree with him. But the matter has no evidential weight at all, indeed no relevance, unless it is established that Marc-Antoine was about to follow the example of Louis. The alleged quarrels with Marc-Antoine, if sufficiently proved, would of course be relevant if they suggested a possibly murderous mind. Jean Calas admitted some quarrels on the subject of the idleness of one or more of his children and that he had once or twice said that he would turn them out of the house if they were not more assiduous in attending to the business. But it seems

pretty clear that there was no real enmity between Jean Calas and Marc-Antoine, although the latter spent a good deal more time than the father approved of in playing billiards and the *jeu de paume*. The next door neighbour of Jean Calas, a Catholic wig-maker called Durand, who was not at all well-disposed to him, testified that he had never heard either Jean Calas or his wife abusing or ill-treating their eldest son.

One further matter only would have to be dealt with by a defender of Jean Calas. Why did he and the rest of the family and Gaubert Lavaysse assert, contrary to the truth, on the 13th October that Marc-Antoine had been murdered? It must be borne in mind that the Calas family were Huguenots surrounded by a more or less hostile Catholic population. In the year 1761 the fate of alleged suicides in France was hard. There was a trial or a sort of trial of the deceased. If he was found guilty of suicide, his goods, if any, were confiscated; and his naked body was dragged

along the streets on a hurdle, accompanied by the stones and hoots of an outraged population. His body was then suspended from a gallows as if he were an ordinary murderer. Such an end was distressing enough for the relatives of a Catholic suicide; it must have been far worse for the relatives of a Huguenot who had destroyed himself. It was accordingly quite natural for the Protestant relations of Marc-Antoine, if we assume him to be a suicide, to have desired if possible to conceal the fact. What line then should have been taken on behalf of Jean Calas accused of murder? Voltaire (in a subsequent* letter to Damilaville) has told us his view. He had heard from Pierre Calas that the father in his great agitation on the 13th October had said to Pierre, "Do not suggest to anyone that your brother has killed himself; save at least the honour of your miserable family." Upon this Voltaire wrote "It is essential to report these words;

* Cited in Coquerel, p. 81.

it is also essential to show that an untruth in this case was the pious act of a father; that no man is obliged to accuse himself, nor to accuse his son; that one is not deemed to have perjured oneself when, after having taken the oath, one does not admit at once that which one admits afterwards; that no one has ever thought it a crime for an accused to refuse to make admissions in the first instance; and lastly that the Calas family only did that which it was their duty to do. They commenced by wishing to defend the memory of the deceased and they finished by defending themselves. There is nothing in that except what is natural and right." Perhaps this is what an advocate in 1761, pleading by Memoire, should have written. Advocates of experience in these days will probably think that Voltaire's advice was wrong from beginning to end, and that after explaining, if necessary, why Calas told the lie, the defender should himself have condemned it in the strongest terms as

being the utterly stupid utterance of a man who had lost his head. Jean Calas was being tried for a murder, not for a lie. Obvious excuses for a wrongful act not the subject-matter of the charge are not worth insisting on: it is far better advocacy to let the Tribunal make reflections of that nature for itself.

A great deal of the evidence was clearly worthless. Quite a number of witnesses deposed to conversations in which third parties had stated important facts; but when the third parties were found they entirely denied having made the statements. Instances may usefully be given. A witness deposed that one Bruyère had told him that on the 12th October, Marc-Antoine had said "You will no longer be seen with me, for I am becoming a Catholic, I am attending my first Communion tomorrow." When Bruyère was found and gave evidence, he said that his statement was only that there was rumour (*un bruit sourd*) to that effect. Three women gave

elaborate evidence as to a conversation with one Roux, a druggist, who told them that he had learnt that Marc-Antoine was a Catholic, that he was about to "abjure" the Protestant faith in two or three days, and that he, Roux, had attended a Mass with him. When Roux was found, he also swore that all he said was mere rumour, and that he knew nothing of the matter at first hand. Other witnesses gave evidence which was clearly untrue. There was one who swore that Jean Calas had shot Marc-Antoine with a pistol, and that the latter bore the evident marks of the wound on his face. The surgeon (Camoire), who attended Marc-Antoine for this injury certified that it was caused by the explosion of a *pétard,* with which Marc-Antoine had been playing. There was also hearsay upon hearsay. Mathey, a painter, deposed that he had heard his wife say that she had been told by one Mandril that the last named, having gone to the shop of Jean Calas on the day of the death to buy

muslin, had heard Jean and his wife quarrelling with their son, and that one or the other had said to the son, "You will have no other executioner but me!" One more (an extreme) example, will probably suffice. One Massaleng, a widow, gave evidence that her daughter had told her that le sieur Pagès had told her that M. Soulié had told him that la demoiselle Guichardet had told him that la demoiselle Journu had made a statement to her from which she (Journu) had inferred that *le père Lerraut*, a Jesuit, had been the confessor of Marc-Antoine Calas. When the reverend father Lerraut was summoned he showed that the whole of this was without foundation. The reader who wishes to read more on this branch of the case must be referred to the pages of the Abbé Salvan and of M. Coquerel. It seems to be sufficient to repeat here that it was either worthless or at least unconvincing, in view of the four propositions above stated, which really rest on facts which are scarcely in dispute.

The discriminating reader at this stage will be inclined to agree that there were materials for a powerful defence. There are few countries where advocates are as able as they are in France, and none where they are more eloquent. The question leaps to the mind, how did the advocate employed, M. Sudre, or the father of Lavaysse, an eminent advocate, fail to get at any rate the benefit of the doubt for Jean Calas, his wife and son, and to secure a clear acquittal for Lavaysse?

The answer is a singular one to persons accustomed to our modern ideas of a trial. In France in 1761 and until the Revolution, there were no advocates allowed for the accused; there were no witnesses called and orally examined, much less cross-examined, before the tribunal; there were no speeches for the defence; there was, indeed, no trial as we understand the word at all. The judges had before them the written interrogatories and answers of the accused and the statements on oath of the wit-

nesses, the latter, it is true, having been "confronted" with the accused. The procedure in criminal cases was very technical and strict. The prisoners and witnesses were examined separately on oath. This was the *interrogatoire*. Then followed the *recolement, i.e.*, the reading over of the questions and answers to the prisoners and witnesses, and asking each of them on a fresh oath if he persisted in his answers. Next each witness had a *confrontation* with the accused, each of whom was asked, again on oath, if he "reproached" the witness. If he neglected to do so, he was taken to have admitted the truth of the evidence given by the witness. But all this was done in private and reduced to writing by the Rapporteur and his clerk. The function of the advocate for the accused consisted of preparing and sometimes of printing and publishing, one or more Memoirs in favour of the prisoners. He did not appear before the Tribunal at all. The accused had no right at any time

to require witnesses in their favour to be examined; but the Judges might, if they pleased, accede to a request to cause witnesses for the defence to be examined. The trial consisted of reading over and considering all the written "procedure."

The Calas family employed one Maître Sudre to prepare Memoires for them, though it seems that he was never allowed to see any of the prisoners; and he ably discharged his duty in three pamplets published in Toulouse in 1761*

These Memoires, or at any rate the first of them, must be consulted by anyone who wishes at this date completely to understand the case. David Lavaysse also published a Memoire for his son, which is more eloquent, but less cogent. But it is easy to publish Memoirs, and not so easy to be

* Memoire pour le Sieur Jean Calas, négociant de cette Ville etc. Toulouse, chez J. Rayet, 104 p. oct. n.d. Signed "Me. Sudre, Avocat."

Suite pour les Sieurs et Demoiselle Calas. Toulouse 1762. 56 p. oct. Signed as above.

Réflexions pour les Sieurs et Demoiselle Calas. Toulouse. 8 p., duo. Signed as above.

sure that anyone will really study them. Sudre, for his part, suggested a number of enquiries and practical tests, which were never made. Two important extracts from his first Memoire will be found in the Appendix (p. 190 *et seq.*).

The art of the Advocate is a far more difficult one, and calls for a much higher ability than laymen generally suppose. There are a hundred ways of presenting a complex case; and, indeed, if a hundred equally able lawyers were to prepare speeches for the defence in a given case (*e.g.* of an alleged crime) the differences not only in style and manner, but of the matter of the speeches would at first sight be very surprising. The truth is that the art of presenting a case (in any kind of serious trial) calls not for eloquence, which indeed is almost useless, but for the highest qualities of judgment in the selection and elimination and the arrangement of the materials. What advocate can feel certain after making his effort, how-

ever carefully he has prepared it, that he has sufficiently emphasised the good points and that he has entirely escaped the making of the unnecessary bad ones? Nor does an ordinary man without training and experience know by instinct which points are the good ones and which are open to a possibly crushing answer. Voltaire was a writer of supreme ability; but his reasons for thinking Jean Calas innocent and his suggestions as to the arguments to be put forward on the part of the Calas family must strike a lawyer as being singularly futile. He tacitly assumes on every page of his various works of propaganda that which has to be proved, namely, the innocence of Jean. Diderot was also a great writer, and has left on record his view of the strongest argument for the innocence of Jean Calas. The passage is set out in the Appendix (p. 187), so that the reader can form his own opinion of it. Mere eloquence is simply a pitfall for the advocate. On the one hand, it scarcely ever influences for

more than a few minutes the minds of any except those who are already persuaded; and on the other an effective reply to an argument clothed in rhetoric is apt to have the same disconcerting effect as the bursting of an inflated balloon. The Memoire of Maître Sudre is universally admitted to have been the best of many published in reference to the various trials relating to Jean Calas. If one may make a conjecture as to why it failed to save his life, it is that it was too diffuse, and that it did not sufficiently emphasize the point that Marc-Antoine Calas was certainly hanged by the cord and by the *billot* which had been found, and that the latter must have rested on the leaves of the door, simply because it could have rested nowhere else. The surgeons were right in their conclusion that Marc-Antoine " had been hanged whilst alive by himself or by others with a double cord." If so, it followed as the night the day that the only question that remained open was

the question whether he was hanged by himself or by others.

The Memoires of Maître Sudre were not the only ones which the Parlement de Toulouse had before them. Gaubert Lavaysse, as above stated, was the son of an eminent advocate of the same name, and the younger brother of Maître David Lavaysse also an advocate of Lyons. The father first published a Memoire entitled "Memoire du Sieur Gaubert Lavaysse," which contains nothing of importance for the present purpose, and, secondly, a pamphlet called "Memoire de Me. David Lavaysse, avocat en la Cour, pour le Sieur François-Alexandre-Gaubert Lavaysse, son troisième fils." This singular writing is begun by the father and in the middle of a commentary (on the frequency of suicides in England!) he breaks off thus:—

"*Qu'entends-je, juste ciel! . . . on juge mon fils: je n'ai pas la force de continuer . . . je succombe . . . Lavaysse, mon cher fils, arme-toi de courage. Achève la défense*

d'un frère innocent." And then the book is continued by Etienne Lavaysse, the second son, who says: "*J'obéis à mon père . . . Avec aussi peu d'expérience, le disciple remplira-t-il le plan formé par le maître? .Que je te plains, mon cher frère, d'avoir ta défense en des mains si faibles!*" And much more to the same effect! Gaubert Lavaysse, the father, may have been a skilful advocate in some cases; but this theatrical nonsense leads one to suppose that it can scarcely have been in the preparing of Memoires intended to influence judges in favour of a prisoner charged with murder.

The Parlement de Toulouse* did not take their duties too lightly. M. de Casson-Clairac was nominated *Rapporteur.* He obtained leave of absence, and retired to the Monastery of the Chartreuse to prepare his report. The judges held ten full sittings to consider their decision. They

* A short account in this institution will be found in the Appendix, p. 186.

decided that the case of Jean Calas should first be dealt with. Of the thirteen judges, excluding the presiding judge, seven were for torture and execution; three were for torture only in the first instance (with power to decide on death later if there was good reason to do so); two were of opinion (sensible men!) that the first thing to do was to verify on the spot the question whether it was or was not possible for Marc-Antoine to have hanged himself between the two leaves of the door with the *billot* and the cord which had been produced; one was for a clean acquittal. The presiding judge concurred with the seven, and thus on the 9th March, 1762, a sufficient legal majority was secured for the conviction of Jean Calas. The sentence first required the prisoner to suffer the torture *(la question ordinaire et extraordinaire)* in order to draw from him the admission of his crime and of his accomplices, secondly, stated that *en chemise, tête et pieds nus, il serait conduit dans un chariot, des prison*

du palais à la Cathédrale, et que là devant la porte principale étant à genoux tenant en ses mains une torche de cire jaune allumée du poids de deux livres," he should make the *amende honorable* and ask pardon of God, of the King, and of justice, thirdly, that the executioner should take him in the " chariot " to the Place Saint Georges, where upon a scaffold " *il lui rompera et brisera bras, jambes, cuisses et reins,*" and lastly that the prisoner should be placed upon a wheel with his face turned to the sky " *pour y vivre en peine et repentence de ses dits crimes et méfaits et servir d'exemple et donner de la terreur aux méchants, tout autant qu'il plaira à Dieu de lui donner la vie.*"

CHAPTER VI.

THE TORTURE, AND EXECUTION OF JEAN CALAS.

THE Parlement had deferred the trial of Madame Calas, Pierre Calas, Lavaysse and Jeanne Viguier until after the examination of Jean Calas whilst under torture; and the majority of the judges no doubt confidently expected a confession.* The details of the execution, and particularly of the Interrogatories and Answers which took place on the 10th March (the day after the judgment) form an important part of the history of the case, and cannot safely be omitted. It loses so much by translation that the best plan seems to be to set out the Procès Verbal *in extenso* in all its

* See David de Beaudrigue's letter to M. de Saint Florentin, Appendix p. 176.

barbarity, and with all its old-fashioned French verbiage, including some errors.† It will be observed that David de Beaudrigue was present, and took part in the official record. He was subsequently reproached for assisting at such a scene, which seems to have been contrary to the etiquette of the Capitouls since he had taken the leading part in getting up the case against the condemned man. But there appears to be no sufficient reason for regarding him as otherwise than an honest judge, most anxious to find that his views were correct. A terrible doubt must have assailed him as the moment of the death of Jean Calas approached.

PROCES-VERBAL D'EXECUTION DE JEAN CALAS PERE.

"L'an mil sept cent soixante-deux et le dixième jour du mois de mars après-midy,

† It is so printed (following the original) that the reader, if he pleases, can easily skip the parts relative to the torture, and read the Interrogatories and Answers.

par devant nous, *noble François-Raymond David de Beaudrigue et M. Leonard Daignan de Sendal, capitouls, dans† le grand consistoire les plaids tenant, à été emmené par l'exécuteur de la haute justice le nommé Jean Calas père, accusé du crime d'homicide par luy commis sur la personne de Marc-Antoine Calas, son fils aîné, lequel, tête, pieds nuds, en chemise, ayant la hard† au col, et étant à genoux, M. de Pijon, avocat du roy, a dit que le procés ayant été fait, tant de notre autorité que celle de la souveraine cour de parlement, à sa requête et à celle de M. le procureur général, pour cas de crime d'homicide contre ledit Jean Calas père et autres, ladite souveraine cour de parlement, par son arrêt, rendu le neuvième du courant en la chambre Tournelle, a condamné ledit Calas père à faire amende honorable devant la porte principale de l'église Saint-

* The Capitouls were noble by decree.
† In the Court of Pleas.
‡ Perhaps for "harde," a leash or thong.

Etienne de Toulouse, et à être conduit ensuite à la place Saint-Georges, et sur un échafaud qui à cet effet y sera dressé ledit Calas père y sera rompu vif et ensuite expiré sur une roue qui sera dressée tout auprès dudit échafaud, la face tournée vers le ciel, pour y vivre en peine et repentance de ses dits crime et méfaits, tout autant qu'il plaira à Dieu de lui donner la vie, et son corps mort jeté ensuite dans un bûcher ardant preparé à cet effet sur ladite place, pour y être consommé et ensuite les cendres jetées au vent; préalablement, ledit Calas père avoir été appliqué à la question ordinaire et extraordinaire; le condamné en outre à cent sols d'amende envers le Roy, déclare ses biens confisqués et acquis à qui de droit, distrait la troisième partie d'iceux pour sa femme et ses enfans, s'il en a, et aux dépens envers ceux qui les ont exposés. Et pour faire mettre ledit arrêt à exécution contre ledit Calas père, ladite cour renvoie devant nous, nous commettant quant à ce. Et attendu que ledit

Calas père est présent, requiert qu'il soit tout présentement fait lecture par notre greffier du susdit arrêt; et à signé, de Pijon, avocat du Roy.

"SUR QUOY, nous dits capitouls, faisant droit sur les réquisitions du procureur du Roy, ordonnons, qu'il sera tout présentement fait lecture par notre greffier du susdit arrêt.

"APRES QUOY, ledit procureur du Roy, a de nouveau requis que, demeurant la lecture qui vient d'être faite du susdit arrêt, icelui soit exécuté contre ledit Calas père, suivant la forme et teneur, ce qui à été par nous ainsi ordonné.

"ET TOUT incontinent ledit Calas père ayant été conduit de notre ordre par l'éxécuteur de la haute justice dans la chambre de la question, Pardevant nous susdits capitouls,* accompagnés de Me. Labat, notre assesseur, commissaire en cette partie, et de notre greffier, ledit Calas

* It is at this stage that David might have retired, and was blamed for not doing so.

père ayant été mis sur le bouton de la question ordinaire,* nous lui avons representé que, par la lecture de l'arrêt qu'il vient d'entendre, il est condamné à mort, préalablement avoir été appliqué à la question ordinaire et extraordinaire, qu'il voit qu'il n'a que très-peu de temps à vivre, et des tourmens à souffrir; ce qui doit l'obliger, pour la décharge de sa conscience, de nous répondre et dire verité, en nous déclarant ses crimes et méfaits, ensemble ses complices; et à l'instant, de notre mandement, ledit Calas père, la main levée à la passion figurée de Notre-Seigneur Jésus-Christ, a promis et juré de dire vérité.

" ET DE SUITE avons enjoint, tant à l'exécuteur de haute justice qu'à ses gardes et valets, de sortir de la dite chambre; et, iceux retirés, avons encore représenté audit Calas père qu'il ne peut, sans violer le serment qu'il vient de prêter, se dispenser de répondre ingénuement, sans détour et sans équivoque, aux interrogats

* Meaning, " attached to the rack."

que nous allons lui faire; qu'en déguisant la vérité, ses peines et tourmens seront redoublés.*

INTERROGE de son nom, surnom, âge, qualité, demeure et de sa profession.

REPOND s'appeler Jean Calas père, marchand, âge de soixante-quatre ans, être marié et avoir des enfants.

INTERROGE avec qui il étoit en relation avec son commerce et quelles sont les maisons qu'il fréquentoit dans cette ville, comment s'appellent les personnes qu'il connoît et avec qui il commerçoit.

REPOND qu'il étoit en relation avec les sieurs Tissié, Cazeing, Francés et autres marchands.

INTERROGE s'il n'est vray que luy et sa femme ont vécu jusques icy dans la religion prétendue reformée et ont élevé leurs enfans dans la religion prétendue réformée.

* This seems to have been not true, but perhaps it was the customary inducement held out to a convicted criminal. The following questions and answers are important.

REPOND et avoue l'Interrogatoire.

INTERROGE s'il n'est vray qu'il fréquentoit souvant le sieur Cazeing, logé à la place de la Bourse, s'il ne se rendoit souvent chez luy, en compagnie de qui il sy rendoit.

REPOND et dit qu'il se rendoit quelquefois chez ledit Cazeing en visite et avec le sieur Tissié et quelquefois avec le sieur de Serres, marchand.

INTERROGE s'il n'est vray que le treize du mois d'octobre dernier Lavaysse soupa chez luy.

REPOND et avoue l'Interrogatoire.

INTERROGE s'il n'est vray qu'ils soupèrent tous ensemble, avec sa famille composée de Jean Pierre Calas, son fils, Marc Antoine Calas, son autre fils, Lavaisse, et la femme du répondant.

REPOND et avoue l'Interrogatoire.

INTERROGE s'il n'est vray que Lavaisse l'avoit été voir l'après midy et qu'ils sortirent ensemble, en attendant l'heure du souper, où est-ce qu'ils furent,

ou si Lavaisse sortit avec Jean Pierre Calas, son fils cadet et à quelle (heure) est-ce qu'ils rentrèrent?

REPOND qu'il ne sortit point avec ledit Lavaisse, mais que Jean Pierre Calas, son fils cadet, sortit avec ledit Lavaisse et qu'ils rentrèrent de sept à sept heures un quart.

INTERROGE s'il n'est vray que dès que Lavaisse, son fils Jean Pierre, et luy qui répond furent rentrés, il ne fit fermer à verrouil la porte de la rue, et que personne plus n'entra chez luy jusqu'à l'heure du souper.*

REPOND et dit qu'il étoit dans son appartement lorsque son fils se retira avec Lavaisse et qu'ils fermèrent la porte, sans savoir (sans qu'il sache) si c'étoit à† verrouil ou comment, et qu'il n'étoit dans l'usage de la fermer à verrouil que lorsqu'ils allaient se coucher.

INTERROGE s'il n'est vray qu'il fût

* The question seems to be put to negative the theory of assassination from outside the house.

† Meaning that the did not know whether the door was bolted or latched.

averty l'après-midy que son fils Marc Antoine devoit changer de religion.

REPOND et dénie l'Interrogatoire, et personne ne luy en a jamais parlé.

INTERROGE s'il n'est vray qu'à raison de ce, il forma le dessein de l'étrangler de concert avec Lavaisse, son fils Jean Pierre, la femme de luy qui répond et sa servante.

REPOND et dénie l'Interrogatoire, et dit qu'ils n'ont jamais formé des projets aussi exécrables.

INTERROGE s'il n'est vray qu'il a toujours vexé ses enfants à raison de ce, et notamment celuy qui s'est rendu à la religion catholique, qu'il l'avoit enfermé dans la cave et d'où M. Barbenegre, curé de Saint-Etienne, alla le retirer.

REPOND qu'il n'a jamais vexé aucun de ses enfants à raison de la religion catholique et que Me. Barbenegre n'a jamais été chez luy.

INTERROGE s'il n'est vray que, continuant ses vexations et ayant été instruit

le treize dans l'après midy que son fils Marc Antoine devoit changer et embrasser la religion catholique, il ne forma le dessein de l'étrangler.

REPOND et dénie l'Interrogatoire dans tout son entier.

INTERROGE s'il n'est vray que le même soir qu'il donna à souper à Gaubert Lavaisse fils, du moment qu'ils furent rentrés ches lui avec Jean Pierre Calas son fils, Lavaisse et luy qui répond et sa femme ne se quitterent pas, de même que la servante.*

REPOND et accorde l'Interrogatoire et dit que la servante passa seulement à la cuisine et qu'ils se mirent à table en entrant et qu'ils ne se quitterent pas du tout, ni avant ni après le souper.

INTERROGE s'il n'est vray qu'ils concurent dès ce moment tous ensemble le

* This was one of the more foolish of the questions. It was designed to incriminate all the persons in the house; but unless we assume that the Catholic servant helped in the alleged murder it tended to acquit them all.

projet d'étrangler ledit Marc Antoine Calas, ou si c'est luy seul qui répond qui commit le crime dont il s'agit.

REPOND et dit qu'il n'a point eu ce dessein ni en famille ni en seul.

INTERROGE s'il n'est vray qu'ils ont exécuté tous ensemble ce projet, ou luy seul ce noir attentat, si c'est avant ou après le souper que Marc-Antoine Calas a été étranglé?

REPOND et dit qu'ils ne l'ont pas fait, ni luy qui répond, et qu'ils l'ont trouvé pendu après souper, quand Lavaisse descendit pour se retirer.

INTERROGE s'il n'est vray que Marc Antoine Calas soupa avec eux.

REPOND et avoue l'Interrogatoire.

INTERROGE s'il n'est vray que le cadavre de Marc-Antoine Calas son fils fut trouvé étendu à terre dans la boutique en chemise, son habit plié sur le comptoir avec son chapeau.

REPOND qu'ils le trouverent pendu sur les deux battants de la porte du

magazin, déniant le surplus de l'Interrogatoire.

LUY avons représenté qu'il ne dit pas la vérité, nous ayant dit dans son precedent Interrogatoire qu'on l'avoit trouvé étendu mort à terre au même endroit ou nous le trouvâmes lors de notre transport.*

REPOND et dit que lors de son audition d'office,† il est vray qu'il dit qu'on avoit trouvé ledit Marc-Antoine Calas son fils, étendu mort entre la boutique et le magasin; et dans son second interrogatoire, voulant dire la vérité, il dit qu'ils le trouvèrent suspendu sur les deux battants de la porte du magasin et qu'à l'égard de l'habit et du chapeau, il ne s'aperçut pas ou il étoit, dans le grand trouble ou il étoit.

INTERROGE s'il n'est vray que c'est dans la chambre ou ils souperent qu'ils étranglerent ledit Marc-Antoine, ou si

* This question was evidently put by David de Beaudrigue himself.

† On the occasion of his first official hearing.

c'est dans la boutique avec le billot dont s'agit, qui fut trouvé derrière la porte et la corde qui fut trouvée derrière le comptoir et le tout reconnu par luy qui répond.

REPOND et dit que ni les uns ni les autres ne l'ont point étranglé en aucun endroit, ayant reconnu dans ses précédents Interrogatoires ledit billot et ladite corde.

INTERROGE s'il n'est vray que luy qui répond à avoué dans ses précédents Interrogatoires que Marc-Antoine Calas fils avoit resté encore demy heure après le souper dans le salon de compagnie.

REPOND qu'il avoit dit par erreur que Marc Antoine avoit resté demy heure dans la chambre, ayant pris Jean Pierre pour Marc-Antoine.

LUY avons representé qu'il paroit impossible que ledit Marc-Antoine eût resté demy heure dans ladite chambre, comme il l'avoit avoué cy devant, puisque son cadavre fut trouvé à onze heures et demy

entre la boutique et le magazin et à terre, froid.*

REPOND et dit avoir suffisamment répondu dans son précédent Interrogatoire.

INTERROGE s'il a d'autres complices que ceux qui sont denommés dans la procedure.

REPOND qu'étant innocent il n'a point des complices.

MIEUX exhorté à dire la verité, à dit l'avoir ditte.

LECTURE à luy faite de son présent Interrogatoire, il y a persisté; requis de signer,* à dit ne pouvoir.

APRES QUOY nous susdits capitouls, ayant fait rentrer dans laditte chambre de la question ledit exécuteur de la haute

* This statement shows that the examiners had abandoned the idea that the cries in the street, of which so much evidence had been given, were cries of the victim as he was being killed.

* But not of course because he was illiterate. He could no longer write; but the lucidity of his answers is amazing.

justice, ses gardes et valets, et après leur avoit fait prêter le serment, leurs mains levées à la passion figurée de Notre-Seigneur Jésus-Christ, ont promis et juré de bien et fidèlement remplir les fonctions de leur employ, conformement audit arrêt et de ne pas révéler le secret, et ledit Calas père ayant été remis entre les mains dudit exécuteur de la haute justice, nous l'avons fait appliquer, en conformité dudit arrêt, et en la forme ordinaire, au premier bouton de la question, les gardes menant le tour, les valets tenant les cordes et l'exécuteur ayant ses pieds sur le bouton ataché au fer des pieds dudit Calas.

Et ayant été élevê,

INTERROGE, s'il a commis ce crime seul et si son fils, Lavaisse et sa femme y ont contribué.

REPOND que ni luy qui répond ni personne n'a commis ce crime.

Et ayant fait descendre ledit Calas, et luy ayant réytéré les mêmes interrogatoires cy dessus,

REPOND et dit avoir dit la verité.

Et ayant remonté au second bouton,

INTERROGE de nouveau s'il a commis ce crime seul (ou si) son fils, Lavaisse, sa femme y ont contribué,

REPOND que personne ne l'a commis.

ET DE SUITE avons de nouveau representé audit Calas que les tourments qu'il doit souffrir encore sont bien plus grands que ceux qu'il a déjà soufferts, qu'il ne vient d'etre dettaché que pour tout de suitte être attaché sur le banc de la question extraordinaire, qu'il peut cependant en diminuer la rigueur en disant la vérité en ses réponses aux interrogats que nous allons continuer de luy faire.

INTERROGE s'il n'est vray que lui qui répond a commis le crime seul; si non fils, Lavaisse, sa femme y ont contribué, et si les susnommés et la servante le savoient,

REPOND et persiste que personne n'a commis ce crime et qu'ils sont innocens.

APRES QUOY avons remis ledit Calas entre les mains des révérends pères

Bourges, docteur royal de l'Université, et Caldaigués, professeur en théologie, des frères, prêcheurs, pour l'exhorter.

Et ensuite, et demy heure après, nous avons fait attacher ledit Calas sur le banc, pour être appliqué à la question extraordinaire.

Et ledit Calas ayant été de nouveau par nous interrogé s'il n'a comis ce crime pour fait de Religion, s'il n'etoit instruit ou soubçonnoit le changement de son fils, s'il l'a fait avant ou après souper, et s'il a billotté ou pendu Marc-Antoine Calas.

REPOND et dénie l'Interrogatoire, et qu'il n'a point des complices.

Et de suite cinq cruchets d'eau ayant été versés en la forme ordinaire, et après avoir fait découvrir le visage dudit Calas,

INTERROGE s'il persiste dans ses réponses,

REPOND qu'il y persiste.

Et ayant fait verser cinq autres cruchets d'eau et ayant fait découvrir le visage dudit Calas,

INTERROGE s'il persiste dans ses réponses au dernier interrogatoire à luy fait,

REPOND qu'il y persiste, et qu'il est innocent, de même que les autres accusés.

INTERROGE encore en quel endroit il a commis le crime, et s'il ne descendit après Marc Antoine Calas dans la boutique, et si cette mort n'avoit pas été décidée, et où on l'a delibérée.

REPOND qu'il persiste a soutenir qu'il est innocent.

APRES QUOY, ledit Calas ayant été détaché du banc et remis entre les mains des Révérends Pères pour l'entendre en confession et l'exhorter a bien mourir;

Et Monseiur Gouazé, capitoul second de justice, étant survenu dans le temps qu'on finissoit la torture de la question, Monsieur Daignan du Sendal, capitoul, s'étant retiré; le present verbal a étê signê par Monsr. du Sendal avant que Monsr. de Gouazé ne continuât les operations qui restent à faire. David de Beaudrigue,

capitoul; Daignan du Sendal, capitoul; Labat, asseur; de Pijon, avocat du Roy, signés.*

ET QUELQUE temps après, nous ayant été dit que ledit Calas père étoit disposé à mourir, il auroit été monté sur le chariot à ce destiné, et ensuite conduit, par le cours accoutumé, au devant la porte principalle de l'eglise Saint-Etienne, où l'ayant fait descendre dudit chariot, il y a fait l'amende honorable portée par ledit arrêt.†

Et, ce fait, a été conduit a là place Saint-Georges, lieu destiné pour ladite exécution; l'avons fait descendre dudit chariot et asseoir au bas de l'échelle dresseé a l'échafaud, où nous luy avons fait lecture desdits interrogatoires et réponses cy-dessus, et l'avons ensuitte interpellé de nous déclarer s'il y a dit la vérité, et s'il y

* This ends so to speak the first part of the torture, which took place in the *Chambre de la Gêne.*

† This, of course, only means that he went through the form required of asking general pardon for his sins.

persiste ou s'il a quelque chose à déclarer à la justice pour la décharge de sa conscience.

LEQUEL dit Calas a répondu qu'il persiste dans ses précédentes réponses, et qu'il mourait innocent.

LUY avons de suitte représenté que, quoyque innocent, il pouvoit du moins savoir quels étoient les autheurs du meurtre commis sur la personne de Marc-Antoine Calas ;†

REPOND qu'il n'en connoit point.

Et de suite l'exécuteur l'ayant monté sur ledit échafaud, et après qu'il l'a eu couché et attaché sur la forme de croix, ledit Calas a été rompu vif, en conformité du susdit arrêt, et ce fait, ledit exécuteur de la haute justice l'a exposé sur la roue qui étoit dressée a côté dudit êchafaud, la face tournée vers le ciel, où ledit Calas a resté en vie pendant deux heures précises ; et ensuitte, de notre ordre et en conformité

† A strange question at this stage.

du retentum,* ledit Calas a été étranglê jusqu'a ce que mort naturelle s'en est ensuivie, et son corps mort a été jetté dans le bûcher ardent, en conformité du susdit arrêt, et icelluy été exêcuté suivant sa forme et teneur.

"Et en autres actes n'a été par nous procédé, et nous commes retirés, et en conséquence avons de tout ce (que) dessus dressé le présent verbal, que nous avons signé avec ledit Me. Labat, Commissaire, ledit Me. de Pijon, avocat du Roy, requérant, et notre greffier; Gouazé, capitoul; David de Beaudrigue, capitoul; Labat, assesseur; de Pijon, avocat du Roy; Michel DieuLafoy, greffier, signés.

Signé: BARRAU, gref."

It will be noticed that the answers of Jean Calas as recorded were perfectly clear and lucid. He seems, indeed, to have dis-

* A secret clause of the sentence which provided that after remaining two hours upon the wheel the prisoner should be strangled.

played no anger against anyone, and to have regarded his judges as the victims of a mistake. An official account of the execution (from Amblard, *subdélégué* to M. de St. Priest) says:—"*Calas a souffert son supplice avec une fermeté inconcevable. Il ne jeta qu'un seul cri à chaque coup que l'exécuteur lui donna sur l'échafaud. Pendant deux heures qu'il resta sur la roue, il s'entretint avec le confesseur de choses étrangères à la religion, après avoir déclaré que tout ce qu'il pourrait lui dire à ce sujet était inutile; qu'il voulait mourir protestant.*"

CHAPTER VII.

THE REHABILITATION.

If Jean Calas knew that the fate of his wife, his son and his friend depended upon his answers, nothing is really proved by his conduct except his marvellous equanamity, fortitude and courage. But it is certain that his firmness, in fact, saved the other prisoners and had a tremendous effect on the public opinion, not only of Toulouse, but of France. The trial of the rest of the accused was proceeded with immediately after the execution, but the Judges of the Parlement could not be persuaded by the *Procureur* at the adjourned hearing to pronounce another sentence of death. Judgment was given on the 18th March, 1762. Pierre Calas was sentenced to perpetual banishment from the Kingdom; the widow Calas, Lavaysse and Jeanne Viguier were acquitted, the

latter unanimously. The result, as pointed out at the time, was strange if not absurd; for Jean Calas, aged sixty-three, could not alone, or even with the help of Pierre, have hanged his son, aged twenty-nine, without the knowledge of the mother and Lavaysse and Jeanne Viguier. David de Beaudrigue, who saw the want of logic of the judgment, appears to have been surprised and disappointed. His curious report on the matter to M. de Saint Florentin will be found in the Appendix (p. 177). Even Pierre's sentence was executed only in form. The executioner conducted him to a gate of Toulouse; but there he was met by a priest, who immediately led him back by another gate to the Monastery of the Jacobins. He thought it prudent to pretend to be converted; but he escaped from the monastery after four months of virtual captivity, and declared himself to be still of the Reformed Religion. The great case was apparently over, with Jean Calas dead, his goods and chattels confiscated,

and his family completely ruined. First nine, and later twenty, soldiers had occupied the house of Calas at his cost; and the creditors and the authorities together took his all the goods he left and exhausted his assets.

The position of the poor widow after the execution was truly deplorable. Since the tragic end of her eldest son she had lost the husband to whom she had been married since 1731. Pierre was in effect a prisoner. Louis had been estranged from the family since his conviction, and his conduct during the trial had been the reverse of courageous. The two daughters Rose and Nanette, whose distress when they heard of their brother's sudden death on the 13th October and of the terrible charge brought against their father, mother and brother, may be imagined, had been maintained by Huguenot friends during the trials. They fled from Toulouse when their father was condemned and went to Montauban where the Protestants were numerous. Their

mother with the ever-faithful Jeanne Viguier was able to join them when she was acquitted (the 18th March). But on the 27th March 1762, the President of the Parlement thought fit to ask the Comte de Saint Florentin for two *lettres de cachets* in order to send to two separate convents the two daughters *de ce malheureux père*. The object was stated to be to convert them. The *lettres de cachets* were obtained in due course; and on the 28th May 1762, at three o'clock in the morning, a police-officer and eight mounted men arrived at the dwelling of the Huguenot who was sheltering the three unhappy women and carried off the two girls to two convents in Toulouse. This left the mother destitute. Her only remaining son Donat had fled to Geneva; and of Louis it is reported that she uttered the words "*Il ne me reconnaît plus pour sa mère.*"

It was at this stage that Voltaire intervened. At the end of March 1762 a trader named Audibert, who had business in

Geneva, went to see Voltaire at Ferney on the French frontier, told him the facts, and asserted that Jean Calas was innocent. Voltaire's first letter on the subject could only have been written by him. It was dated the 22nd March 1762 and contains this passage, which it would be a sin to translate:—

"Vous avez entendu parler peut-être d'un bon huguenot que le parlement de Toulouse a fait rouer pour avoir étranglé son fils ; cependant ce saint réformé croyait avoir fait une bonne action, attendu que son fils voulait se faire catholique, et que c'était prévenir une apostasie : il avait immolé son fils à Dieu, et pensait être fort supérieur à Abraham, car Abraham n'avait fait qu'obéir, mais notre Calviniste avait pendu son fils de son propre mouvement, et pour l'acquit de sa conscience. Nous ne valons pas grand'chose, mais les huguenots sont pires que nous, et de plus ils déclament contre la comédie."

It is fairly evident that in the first instance Voltaire saw in the case nothing more than a good ground for an attack on either the Catholic or the Reformed Religion—he cared not which. On the 25th March 1762, he wrote to ask his friend, the Cardinal de Bernis, what view should be taken of the affair; and, without waiting for an answer, on the 29th March he wrote to the philosopher d'Alembert urging him to attack the execrable fanaticism *qui a fait pendre un fils par son père ou qui a fait rouer un innocent par huit conseillers du Roi*—a phrase with more point than logic.* His enquiries in Languedoc produced answers that Jean Calas was generally believed to be guilty; and Voltaire would probably have dropped the matter, but for the fact that Donat Calas had fled to Geneva and that Voltaire invited him to come to Ferney. "*Je vis*," said he, "*un*

* The conviction might be the result of a mere judicial error, to which the untruthful statements of the accused had largely contributed.

enfant simple, ingénu, de la physionomie la plus douce et la plus intéressante et qui, en me parlant faisait des efforts inutiles pour retenir ses larmes." Donat, it will be remembered, was not at Toulouse on the fatal day; he was fifteen years old; Voltaire seems to have thought that so charming a boy could not come from a family of fanatical murderers. He put himself into indirect communication with the widow, who wrote an account of what had happened on the 13th October from her point of view, remarkable for its simplicity and, one may say, its lucidity and its charm. It is set out in full in the Appendix (p. 180) and some details from it will be used later. If such a letter can in some strange way breathe innocence, that of Madame Calas had done so. At any rate, it made a deep impression on Voltaire.

In July 1763, Pierre Calas, who had escaped from the convent of the Jacobins after four months' imprisonment, fled to Geneva where he joined his brother Donat.

Geneva had of course been the natural refuge of the Huguenots of France for over one hundred years. Voltaire saw Pierre almost at once, examined him and cross-examined him, he asserts, for four hours; and even went so far (the phrase is his own) to have spies to report on his conduct and his words during four months. Voltaire found that both were entirely satisfactory. He was by this time entirely convinced that Jean Calas was innocent; and his rehabilitation, from whatever real motive, became the object of the incessant labour of Voltaire and his numerous friends. A secret committee was formed at Geneva; and letters, memoirs, pamphlets and books were poured forth, in French, English, Dutch and German.

A brief account of the campaign of propaganda directed by Voltaire is to be found in M. Henri-Robert's article, to which the reader is referred. It was energetic, widespread, persistent and, it must be said, unscrupulous. Voltaire did not

hesitate to colour or distort the facts in favour of Jean Calas and to suppress those which were difficult to deal with. For an example of distortion it may be mentioned that he represented Jean Calas as an enfeebled old man of sixty-eight, quite incapable of assisting in a violent murder; whereas in fact he was only sixty-three and remarkably vigorous for his age. As an instance of suppression, Voltaire chose simply to ignore all the points made by David de Beaudrigue (set out above *in extenso*) which were directed to disprove the possibility of suicide by Marc-Antoine. The campaign was, however, successful. Subscription lists were opened in all the Protestant countries. In England the list was headed by the name of the Queen and followed by those of the Archbishop of Canterbury, two Duchesses, twelve Dukes, thirty Earls, seven Viscounts, and many Bishops, Barons, and numerous other persons of varying degrees of eminence. Large sums were raised, and were indeed needed,

for the expenses of obtaining a re-hearing were very heavy.

As the result of the letters of Voltaire to his numerous friends, his pamphlets and books, and the Memoire which he procured to be written by the celebrated advocate Elie de Beaumont and other eminent lawyers, the public opinion of Paris began to be moved. Writers of the calibre of Diderot, Rousseau and D'Alembert became convinced (as well they might be on the partisan statements which Voltaire put before them) that a gross miscarriage of justice had taken place. Voltaire however had found the greatest difficulty in persuading Madame Calas to do what he considered necessary in the matter. The acts of the Capitouls and the Judgment of the *Parlement* could be attacked in her name only; and she, poor thing, was not unnaturally alarmed at the very idea of so bold a step, and thought that if only she could get her daughters restored to her she would be or try to be satisfied. Her

fears were by no means groundless. Those who had shut up three of her children in three convents were powerful enough not only to keep them there, but to get also a *lettre de cachet* for herself. Voltaire himself at times shared her apprehensions: for, if the widow was shut up, there was an end to any attack on the proceedings of the Judges of Toulouse: but he continued to insist upon the duty of Madame Calas towards her children and to the memory of her husband, and at length she was persuaded to undertake the long, wearisome and dreaded journey to Paris, which was the first step in the campaign. There was not apparently enough money to send Jeanne Viguier with her mistress till a later date; so Madame Calas went alone. Voltaire had done his utmost in letters to his friends in Paris, and as soon as she arrived she found herself an object of the greatest interest and sympathy. Armed with the Memoire of Elie de Beaumont she canvassed many of the notables

of France and made everywhere a most favourable impression. A formal application was made in due course and in her name to the Conseil du Roi to quash the Judgment of the Parlement de Toulouse. Madame Calas according to the procedure of the time had to go to prison again (apparently to the Grand Châtelet) whilst her case was being heard. There were present eighty-three members of the Great Council; and the *Galerie des Glaces* at Versailles had never up to that date been so crowded by an interested public. The two daughters of Jean Calas had at length been released from the convents in Toulouse where they had been virtually imprisoned, and they had been enabled to join their mother in Paris. They were escorted by friends and perhaps by Gaubert Lavaysse to Versailles, where the elder girl fainted just before the announcement of the decree. They then all went off with the glad news to Madame Calas, whom they found in the Prison in an ample armchair near

a large fire, having had that morning her *café au lait, du chocolat et un bouillon.* The wheels of Fate had turned for the widow : and very soon afterwards the Queen caused Madame Calas and her two daughters to be presented to her and received them with most gracious and sympathetic words.

The decree of Cassation was unanimous ; but it should be clearly understood that this decree was founded only on errors of procedure of the Toulouse Tribunal and throws no real light on the question whether Jean Calas was innocent or guilty. The decree quashed the existing Judgment, ordered the Parlement de Toulouse to send the whole of the official papers and records to Paris and to state the grounds (*motifs*) for the Judgment, retained for the King and his Council the criminal trial of all the accused, and sent the same for trial to *les maitres des requêtes de l'hotel au souverain.* This was a tribunal originally established to decide the questions which

the King was pleased to reserve for his own consideration. The official documents were very voluminous and the officials of Toulouse refused to send copies except on payment of forty pistoles, a sum which could not at once be found. There were great delays in getting the case ready for hearing and apparently the time was used in getting the Judges to approach the matter with sympathetic minds. Madame Calas, her son, Lavaysse and Jeanne were once more (on the 28th February 1765) sent to prison (this time to the Conciergerie) where they were visited by many fashionable persons.* The whole of the original interrogatories and depositions, together with some fresh ones by witnesses examined for the Defence at the instance of the advocates for the accused, came before this tribunal and a quantity of fresh *Memoires* were printed and published, many of them revised by Voltaire. The

* The drawing for the print reproduced as the frontispiece was made at this time. See Appendix, p. 161.

Judges were forty in number. When the trial came on they sat six days of four hours each.

On the 9th March, 1765, exactly three years after the original sentence of death of Jean Calas, the Masters of Requests unanimously acquitted the accused, rehabilitated the memory of Jean Calas, ordered the convictions of all the accused to be erased from the Registers, and proper entries of the decision to be entered in the margin of the Registers, and gave the survivors liberty to claim damages against such persons (meaning the Capitouls) as they might be advised. This right, it should be said at once, the Calas family were recommended not to exercise. The formal Order is contained in twenty printed pages, most of which are taken up with a bare enumeration of the dates of the various Procès Verbals, Orders and Directions and of the Interrogatories and Examinations of witnesses. No reasons are given for the conclusion; and the re-

citals repeat that there was a technical error in the proceedings at Toulouse.* However, immediately after the Decree the Judges wrote (as a body) a letter to the Vice-Chancellor Meaupeou, a Minister of Louis XV, pointing out that by their Judgment they had only partially remedied the misfortunes of the Calas family, since they "could not restore his life to Jean Calas, nor a father to a numerous family, nor a husband to a desolate widow." They also pointed out that as a consequence of the original Judgment, *cassé par le Conseil sur la forme, et détruit aujourd'hui sur le fond,* the family was entirely ruined. They then requested the Minister to implore the kind assistance of the King. There is therefore no doubt that the forty members of this final tribunal convinced themselves that Marc-Antoine had committed suicide,

* "Il n'avait pas été ordonné qu'ils (the witnesses) serait récollés sur leurs interrogatoires."

and that Jean Calas and his family were entirely innocent.

Thus ended, so far as the Courts were concerned, one of the most curious and celebrated trials that have ever taken place in historic times.

CHAPTER VIII.

A CONJECTURE AS TO WHAT REALLY HAPPENED.

THERE remains for discussion the great point made by David de Beaudrigue, and adopted by other writers, including M. Henri-Robert, that suicide was in the circumstances impossible, merely observing by way of preface that if it is shown that murder by Jean Calas was impossible, suicide is the only possible alternative in the circumstances. It may be noted that David tries to prove too much. As already pointed out Marc-Antoine was in fact hanged and moreover hanged by means of the *billot* and the cord which were found in the *boutique* with adherent hairs of the deceased; and the *billot* could only have been supported on the leaves of the door. Yet David attempts to prove that he was not hanged since hanging by that means

was impossible.* It is quite true that Marc-Antoine with the cord round, his neck, would have had some difficulty in placing the *billot* across the doors, which were 9 pans (about seven feet, one inch) in height, without some support, for he was about five feet eight inches, high. (His exact height is given as " cinq pieds quatre pouces et cinq lignes," about one metre seventy-four centimetres, and David's " seven pans cinq pouces " is not quite accurate). Moreover, a man who intends to commit suicide by hanging generally (but, as before stated, by no means always) † wishes his toes to be off the ground: and the evidence was that Marc-Antoine's toes were in fact on or just off the ground.‡

* David, it is said, consulted the local Hangman of the district on this point, and was assured by this expert that it was impossible. He was not, however, called as a witness.

† See note to page 25 supra and see Taylor's Medical Jurisprudence on " Hanging."

‡ Coquerel's statement (p. 143) as to the length of the cord is clearly a mistake, and his theory as to the method of suicide is to be rejected as impossible.

The length of the cord is given by Sudre (p. 54) as being "cinq pans quatre pouces" between the knots which were found at each end—say 130 centimetres or 51 inches. This length was sufficient for the purpose, if we assume a slip knot at each end, both of which are placed over the head, the middle of the cord being passed round the *billot* either once only or if necessary several times. The cord thus could not be too long, for in effect it could readily be shortened by another twist round the *billot:* and actual experiment with such a cord will show that it was not too short. If the knots are adjusted as above, the mark on the neck will be almost exactly as described by the surgeons; for the two slip knots will run together and tend to separate the cords near the ears. An advocate for the Defence would probably declare that the very fact that Jean Calas and the other accused stated that there was no chair or stool near the hanging body was one of the strongest points

in favour of their innocence. What criminal, it would be asked, who was preparing a simulated suicide by hanging would neglect to provide an upset chair? But Calas, in one of his interrogatories, seems to have given a very reasonable answer on this point. He said that in his troubled state of mind he never thought of looking to see if there was a chair or stool near the door. There were in fact a number of stools or chairs (ten or twelve in the two shops) and Marc-Antoine would probably have pushed a stool or chair away with his foot if he had used it. Sudre adds that the floor was of parquet and a vigorous push would send a chair across the room.

David's comments on the slippery nature of the *bille*, the probability of the door opening, the chance of kicks against the leaves, are not really convincing. The *bille*, as Sudre points out, was slightly flattened at one end. Moreover, the weight of a body would make very little friction between the *bille* and the top of the

door sufficient to hold the *bille*. Sudre challenged the prosecution to try actual experiments on the spot. The house as already stated was a very old one. There is a print in Coquerel (at p. 19), which shows also the ancient Gothic street door; and there is still such a door at the end of the passage. The door between the *boutique* and the *magasin* may have been of the same date. The two leaves were on big projecting hinges and had a distinct sag so that in one position they touched the floor and were difficult to close. (See Sudre infra p. 194). The upper portions of the leaves had wooden bars or rails (*barreaux*) running across. Sudre positively asserts that on the 14th October, before the cord and the *billot* were removed to the Hôtel de Ville, some lads and the soldiers who were on guard at the house actually tried the experiment of placing the *billot* on the door, and hanging themselves by the hands to a cord placed round the *billot*. He says that the most violent

movements did not cause the *billot* to move. He calls upon the Capitouls to enquire as to this and to make the experiment themselves.*

It is true that the Calas family seem to have kept their bits of string for tying up bales on the leaves of the door. Does not this tend to negative, first, the point about the dust, and, secondly, the point that the *billot* would have slipped? It may be added as to the dust that the experiments of the lads and the soldiers on the 14th October with the actual *bille* upon the door show that no reliance can be placed upon the observation of David that he found no marks of the *bille* in the dust on the top of the doors. In fact, David did not make a careful examination of the premises, and in particular of the doors, till the 18th November 1761, when he and another Capitoul (Chirac) went for the purpose as appears from a Procès Verbal of that date.

* See Appendix, pp. 192, 193.

As for the statement that Jean Calas had said that the cord was cut, the truth is that the suggestion that he had cut Marc-Antoine down was made to him by David and he accepted it. He afterwards said that he really did not remember, such was his agitation, exactly how the body was placed upon the floor, but he thought that when the body was lifted the *billot* and cord rolled off the leaves of the door.

If we are to consider what really happened, we are of course in the realm, not of strict legal presumption and evidence, but of conjecture. The visit of Gaubert Lavaysse may have been the final straw which disposed Marc-Antoine to self-destruction. Lavaysse was full of self-reliance, youth and hope. Poor Marc-Antoine saw no future for himself. He would not conform, and could not therefore become an advocate. He hated the shop. He was something of a wastrel and spent his spare time playing billiards at cafés. The papers

found in his pockets were in fact not of an edifying kind. His mother had given him some money to buy some Roquefort cheese to add to the meal (of pigeon!) to which Gaubert Lavaysse was coming. Marc-Antoine, it is suggested by some witness, had spent the change instead of returning it. He had had a small quarrel with his brother Pierre during supper about some antiquities at the Hôtel-de-Ville as to which Pierre was giving an account the accuracy of which the elder brother disputed, and this may have irritated him beyond reason. When supper was over he rose and went for a moment into the kitchen. Jeanne Viguier said to him "*Etes-vous froid, Monsieur l'ainé?*" to which he replied "*Bien au contraire, je brûle.*" (This and other details are taken from Madame Calas' letter above referred to. See p. 180). Marc-Antoine went downstairs with a terrible feeling that he could bear the world no longer. He went from the passage into the *boutique,* which at half

past eight on the 13th October would have been very dark; but there was a full moon, and some light was shining in.* Moreover, he knew the detested place like the back of his hand. He took some thin cord used to fasten parcels from off one of the double doors. It seemed too thin to suspend a human body on, but it might be doubled. He took off his blue coat and his nankin waistcoat and folded them mechanically as if he were going to rest. There were some *billots* in the place and he took one. He opened the leaves of the door fairly wide till they stuck on the floor. The *billot* would just rest upon the top of the leaves. Should he shut the door into the passage or not? He thought he would prefer his brother and Gaubert Lavaysse to find him when the latter left the house, and he would thus spare his mother the first shock

* I am indebted for this fact to the officials of the Greenwich Nautical Almanack Office, who kindly consulted the French tables, which, fortunately, go back to 1760. The moon rose at 5.26 p.m. and was *full* at 11.15 p.m.

of his death. He made two slip knots, one at each end of the cord, put one round his neck, under the black cravat which he had put on in honour of the guest, passed the other once or twice round the *billot*, and then put the other slip knot round his neck close to the first. The two slip knots were of course close together and touching his hair. There was a stool or chair near the door and he pushed it between the leaves. He got on to it facing the street, holding the *billot* horizontally behind his neck, both slip knots of the rope being fairly tight. He placed the *billot* on the leaves of the door. Holding the *billot* in his two hands, with his two feet he gave the chair or stool a rapid push, and it went sliding over the floor. He let himself drop!

CHAPTER IX.

AN EPILOGUE.

THE curtain has now fallen on the dramatic tale of Jean Calas; but it is possible that the reader may be interested to hear the subsequent fate of the *dramatis personae*.

The letter of the Judges of the Court of Requests (p. 136) was not unfruitful. The King from his Privy Purse gave Madame Calas twelve thousand francs, six thousand to each of her daughters, three thousand to each of her sons, three thousand to Jeanne Viguier, and six thousand francs for travelling expenses and costs. It is said that this sum was by no means sufficient to discharge the expenses which had been incurred in the five trials. But other gifts of money were made: and a considerable

sum was realised by the publication of prints of the Calas family in several countries of Europe including England. Two may be easily found: the first "La Malheureuse Famille Calas," reproduced as a frontispiece and the second (which was wholly imaginary) "Les Adieux de Calas à sa Famille." Madame Calas was by these means enabled to continue to live in Paris with her daughters and with Jeanne Viguier as her servant.

In 1767 Jeanne Viguier slipped in the Rue Montmartre and broke her right leg. A rumour spread that she was dead; and further that upon her death-bed she had confessed before notaries that she had for forty years only pretended to be a devout and professing Catholic, that she had in truth always been a Huguenot and had helped her master and mistress to hang their son. Upon this Jeanne Viguier made a Statutory Declaration (*Déclaration Juridique*) on the 29th March 1767 before Jean Francois Hugues (*Conséiller du Roy,*

Commissaire au Châtelet de Paris), and her confessor, that she was not dead but alive, that she was and always had been a devout Catholic and that the story about the alleged murder was absolutely untrue.

Jeanne stuck to her mistress and the family through good and evil fortune. She lent the six thousand francs given to her by the King to Louis Calas who quickly lost it in trade. She died in 1780 fortified by the Sacraments of the Church and her Father Confessor made a declaration that she had always been a Catholic. According to his declaration she was " about ninety years of age."

Gaubert Lavaysse gave up his intended visit to San Domingo and found employment in a mercantile house in Paris where he continued to be a close friend of Madame Calas. Pierre and Donat Calas founded a business at Geneva. Louis having failed in trade went to England, where he became a surgeon and practised in Denmark Street, in the Parish of St. Giles,

until the outbreak of the French Revolution.

In 1770 Madame Calas and Gaubert Lavaysse went to Geneva to see Pierre and Donat Calas, and they also visited Voltaire at Ferney to thank him. According to Voltaire (writing to d'Alembert) *cette bonne et vertueuse mère me vint voir ces jours passés; je pleurai comme un enfant.* The rehabilitation was indeed one of his greatest and most successful efforts.

Voltaire made his triumphal visit to Paris in 1778 just before his death; and he there received Madame Calas and her daughters with the greatest kindness. The Parisian crowds followed his carriage with shouts of " Vive le défenseur de Calas !"

Madame Calas died in Paris, at No. 3 Rue Poissonnière on the 29th April 1792, having survived her husband thirty years and both her sons, Donat and Pierre Calas, who died in Geneva.

We must now return to David de Beaudrigue who had fallen upon evil times very

soon after the Judgment of the Parlement de Toulouse had been quashed. He was severely reproved by M. de Saint Florentin the Minister of State on two occasions in 1764 for some of his official acts. In the following year two Englishmen who were Protestants died at Toulouse, and David seems to have refused permission to bury them without some payment to himself. He was removed by the King from his office of Capitoul; and a letter of the 10th March 1765 from the all-powerful Comte de Saint-Florentin states that the matter of the burial of the two Englishmen was not the only cause of his dismissal, and that it would be useless to propose to the King that his decision should be revoked. It was of course generally supposed that the Calas affair was the main reason for getting rid of David as a Capitoul.

According to a newspaper report of the 9th October 1765, David went out of his mind after the Judgment of the *Requêtes*

de l'Hôtel. This is the passage in *les Affiches de Provence No. 49:* "We hear from Toulouse that *le sieur* David, Capitoul, who in the unhappy Calas affair, behaved with such blameworthy prejudice is himself in a very deplorable state. His removal from office, the judgment of the *requêtes de l'Hôtel* and the fear of proceedings being taken against him have rendered him completely insane." It is added that in his delirium he constantly saw gibbets and hangmen ready to execute him; and that he had thrown himself out of a window into the street, without however killing himself. He died shortly afterwards. The Huguenots saw in this unhappy end a just retribution. We may be better advised if we bestow on him a word of pity; he may well have been a man of a prejudiced and unjudicial frame of mind; but there is really no sufficient reason for deeming him knowingly to have brought about a judicial murder.

The evil that men do lives after them.

In 1794 David's grandson Tristan David was guillotined, and it is said that the memory of his notorious grandfather had largely contributed to the conviction of the grandson. But the Muse of History refuses to allow so curious a revenge of Time to pass unquestioned: she adds that Tristan David had distinguished himself by writing and speaking against the Reign of Terror in Toulouse and had thus given sufficient cause for his conviction by a revolutionary tribunal.

It is however true that the chief actors and spokesmen of the French Revolution had adopted the view that Jean Calas was the victim of Royalist wickedness. In 1791 two plays were produced one at the *Théâtre Francais* called *Calas ou l'Ecole des Juges* and the other at the *Odeon* called *la Bienfaisance de Voltaire.* Jean Calas was the hero in the first and one of the heroes in the second. Poor David de Beaudrigue was of course cast for the part of a double-dyed villain.

THE CASE OF JEAN CALAS

On the 18th June 1792 Louis Calas, having returned from England, made an application for money to the Legislative Assembly then sitting. The President expressed the sympathy of the Assembly towards one of the *victimes des intrigues Sacerdotales et du despotisme parlementaire*; and the matter was referred to a committee. It was decided to erect a column to the memory of Jean Calas on the place of his execution: and at a later date it was determined that the nation should undertake the discharge of the remaining creditors of Jean Calas. The terms of the inscription on the column would have been interesting ; but they remain unknown. All that is certain in this respect is that no column exists in the Place St. Georges.

The *Parlement de Toulouse* was not pleased at the result of the Rehabilitation proceedings. It was asserted by its members and friends that it was an independent sovereign tribunal, that its Judgments

were not subject to Appeal, and that the decree of *les maîtres des requêtes* had no effect. It was indeed described as an insult to the *Parlement* and to the town of Toulouse. The father of Gaubert Lavaysse, who had powerful friends at Toulouse, managed whilst the *Parlement* was enjoying a vacation to get the entry in the gaol book against his son duly erased. But the Calas family endeavoured in vain to procure the performance in their favour of the decree of the *Maîtres des Requêtes* so far as the registers and gaol book entries were concerned. And in the registers of the *Parlement,* which still exist, the original entries stand unchanged. Voltaire's comment on the matter (in a letter of the 12th October 1765) is as follows: " If the *Parlement* thinks that its Judgment against Calas was right, it ought to publish the proceedings in an endeavour to justify itself; if it thinks that it made a mistake, it ought to repair its injustice or at least its error; it has done neither the one thing

nor the other and this is a case where it is infamous to do neither. They tell me from Languedoc that this fatal adventure has done a lot of good to the poor Huguenots and that, since this event, no one has been sent to the galleys for having prayed to God on the open countryside in French verses as villainous as our Latin hymns."

. . . . .

There is perhaps only one town in France which has preserved so many interesting relics of the past in buildings and fragments of fine architecture as Toulouse; and to those who walk along its streets the story of Jean Calas becomes wonderfully real. His house (now No. 50) is still to be seen in the Rue des Filatiers which has long lost its old importance. Though sadly altered as regards its front elevation, the house is easily recognisable. The back of the building facing the courtyard is substantially the same, and the side passage along which Gaubert Lavaysse and Pierre Calas passed on the way to

find the body of Marc-Antoine on the night of the 13th October 1761 is not greatly altered. The ancient and irregular Cathedral of Ste. Etienne at the door of which Jean Calas, with bare feet and head, and holding a lighted yellow candle, was compelled to kneel to ask pardon of God and of the King, will doubtless remain for centuries one of the most interesting buildings in the South of France. And round the Place St. Georges, in the centre of which is a fountain and a pleasant little garden where children play, several of the old houses still exist from whose windows men looked down on the suffering and death of Jean Calas, Huguenot—the innocent victime of a Judicial error, and the most terrible example known to criminal history of the dangers of a lie.

APPENDIX

I

The Subscription Print.

THE engraving, a reduction of which forms the frontispiece to this book, was published immediately after the Rehabilitation in order to procure some funds for Madame Calas. The Baron Grimm had undertaken the matter and arranged for M. de Carmontelle to draw the portraits of the prisoners in March 1765, at the Conciergerie where they were awaiting the Decree of the *Maîtres des requêtes*. Carmontelle was reputed to be good in seizing a likeness; and the reproduction shows a distinct family resemblance in the four members of the Calas family. Madame Calas is seated with her eldest daughter at her left and her younger daughter standing up behind. Gaubert Lavaysse is supposed to be reading the final Memoire in their defence. Pierre Calas is looking over his

shoulder. The members of the Calas family are, of course, in mourning. Jeanne Viguier standing beside her mistress completes the group.

The print was published in several countries. England, Scotland and Ireland took 1,200 copies which produced a net sum of 16,338 francs. Many were sold in Switzerland. Voltaire himself took a dozen copies and placed one at the head of his bed where it remained for the remainder of his life. He declared in a letter to Madame Calas that the portrait of Pierre Calas was *trés resemblant.* In France many people subscribed and a large sum was anticipated; but after a short time the further publication was prohibited, probably by M. de Saint Florentin at the instance of some ultra-clerical enthusiasts. The embargo was it is true removed eight months later: but public zeal cools very rapidly in all countries, and the mischief was done.

II

The measures against the Hugenots.

The prohibitions for Huguenots of most, if not all, professions with the dates of the various Orders are to be found in Coquerel, at p. 435. They are all of the years 1685 to 1687; and were in full force in 1761. In Toulouse, at any rate, and probably throughout the South, religious intolerance had not been abated. It so happens that in the year 1762 there were two other trials of Protestants besides that of Jean Calas and his family. On the 19th February, 1762, the pasteur Rochette, aged 26, was executed at Toulouse as a minister of the "Religion prétendue Reformée," together with three Huguenots who had vainly attempted his rescue. Another protestant, Sirven, (whose case Voltaire also took up) only escaped death by an opportune flight.

III

The Letter of the Advocate Carrière to Lavaysse, of the 15th October, 1761.

N'oubliez pas, Monsieur, ce que je vous

recommandais hier avec un ami, de dire la vérité et en quel état vous trouvâtes le fils ainé de M. Calas, et que si vous ne l'avez pas declaré dans votre première audition, ayant dit de ne l'avoir pas vu, ce fut à la recommandation du cadet qui, sur l'avis de son père, vous pria de cacher le fait, de crainte que la famille ne fut déshonorée, parce qu'on entrâinait les corps des suicidés sur la claie.

Vous aviez sans doute dit à M. Cazeing* avoir vu le cadavre étendu; il y a apparence que Cazeing l'aura dit ainsi dans sa déposition; vous devez dire tout cela, quand vous serez interrogé, afin qu'on connaisse les motifs qui vous ont fait dissimuler la vérité, croyant d'ailleurs qu'alors on ne chercherait que des preuves contre la memoire du défunt. Rappelez-vous si vous entendîtes le cadet crier:

* The man described in David de Beaudrigue's first Verbal Procès as *un espèce d'abbé*. He was really a Protestant cloth manufacturer.

" Ah! mon père, mon père, mon père! Ah! mon Dieu!" car il y a des voisins qui ont déposé avoir entendu crier ainsi, et pour prévoir toute équivoque, il convient d'indiquer celui qui criait; on dit encore avoir entendu crier à l'assassin. Rappelez vous si vous avez entendu le père ou le cadet crier ainsi. Vous avez nécessairement dû entendre les premières exclamations du cadet, car vous me l'avez dit; n'oubliez pas de le dire quand vous serez interrogé comme aussi ce que vous fîtes pour empêcher la mère de descendre.

On dit qu'il est prouvé par la procédure que la servante ayant entendu du bruit, elle se mit à la fenêtre pour s'informer de ce que l'on faissait, qu'on lui répondit que c'etait dans la maison même, et qu'un instant après elle descendit à la porte en criant,* " *Ah! mon Dieu, l'an tuat!*" on dit qu'elle à déclaré ainsi dans sa première audition. Je vous avoue que l'on ne peut pas trop concilier la curiosité de cette fille

* In the patois of Languedoc.

que vous m'avez dit lui avoir ordonné de rester auprès de Madame et de ne pas la laisser descendre, cette fille s'étant déjà mise à la fenêtre quand vous lui avez donné cet ordre.

Vous a-t-elle demandé ce que c'etait? le lui avez-vous expliqué à l'oreille en la consignant auprès de sa maitresse? et si l'on vous interroge sur tous ces faits, préparez-vous d'avance à y répondre et dites toujours la verité. Car, comme je suppose que vous l'avez dite, je suis fort tranquille sur votre compte. L'on vous demandera san doute où vous allâtes quand vous sortîtes pour la première fois; if faut le dire. L'on vous demandera encore ce que vous vîtes en entrant, et vous devez le dire; où vous allâtes quand vous sortîtes pour la deuxième fois. Vous ne devez pas surtout oublier que vous allâtes avertir M. l'assesseur, à faire avancer le greffier ; car je crois que vous me l'avez dit, et votre empressement à rentrer dans la maison

où les Capitouls étaient déjà rendus avec le guet, car tout cela manifeste votre innocence. MM. vos fréres sont arrivés; on attend ce soir M. votre père, peut-être aviez-vous (tout?) expliqué naïvement à M. Cazeing, qu'on a mis en liberté (qui?) sera ouï en temoin; et en ce cas en fera en sorte qu'il dépose relativement à l'aveu que vous lui avez fait, afin qu'il n'y ait pas de contradiction.

Il est inutile que je signe cette lettre, vous devinez assez qui je suis.

Toulouse, le 15 Octobre au soir 1761.

The two letters to Jean Calas and to his son, Pierre, appear to have been in very similar terms. Carrière had seen all three on the 14th October, in their separate cells. On the 15th, or the next day, all the prisoners were "*mis au secret*"; and thenceforward saw no one, not even the counsel (Sudre) employed to write a Memoire in their defence.

IV

Proces-Verbal D'Autopsie
Relation Faitte Par le Sieur Lamarque, Chirurgien.

(15 octobre, 1761).

Nous Jean Pierre Lamarque, maître en chirurgie, a la réquisition de M. de Peimber avocat du Roy, nous nous somes randus au petit consistoire de la maison de ville, en présance de M. David, Capitoul, des MM. Monyer, Labat asseseurs; a la réquisition sus-dite nous a esté fait lecture d'un ordre en ce qui nous commit (concerne?) en exécution d'une précedente ordonnance, pour faire l'ouverture du cadavre de Marc-Antoine Calas, pour nous si donnant (ci devant?) signifiée a l'efest de le metre dans la chau, dans rapporter l'état, les sircon-stances et conjectures, et s'il si trouve des allimens ressans. En conséquence de laquelle ordonnance du mandement du dit M. David, l'avons prêté le serment en tel cas recquis, et la dite ordonnance ayant

été remise dans nos mains, sommes passés a la chambre appellée de la torture, et avons trouvé le cadavre ci-devant vérifié, de Marc-Antoine Calas. Avant de faire aucune ouverture, havons commencé par faire un examen général de tout son corps, et n'avons trouvé rien de plus, que ce que nous avons suffisament detaillé dans la relation precedante;* havons commencé par faire l'ouverture de la teste et ensuite du cervueau, dans lesquels nous n'havons trouvé que des vaisseaux extrêmement gorgés qui sont les suite ordinaire des mors de cette espèce; havons passé a l'ouverture de la poitrine, ou nous n'avons trouvé rien de particulier et de là havons commencé par l'examen de l'estomac, pui dabord nous a paru nestre chargé que de tres-peu dal imens. Cependant comme il estait naisces-saire de faire un rapport exact, nous nous sommes determiné a louvrir et havons

* The Report of the 14th October, 1761. This is further proof that there were no marks of injuries on the body except at the neck.

commancé l'ouverture, tout près de lorifice supérieur du côté de la grande courbure, et l'havons ouvert dans les deux tiers de son estandue; l'a, aidé par mes deux elleves havons fait soutenir les deux portions de l'estomac tout près des divisions, et havons trouve une humeur grisâtre qui estait en assés grande quantité, parmi la quelle nous havons trouvés quelque pos de resins avec quelque peau de volaille, quelque petit morceau de autre viande, qui nous a paru être du buf. Ces espèces de viande que nous avons lavé dans de l'eau claire nous a pareu estre fort dure, et fort coriasse. Par l'exposé que nous venons de faire il paroit: 1º que le cadavre avait mangé trois ou quatre heaures avant sa mort, car la digestion des alliments était faite; 2º nous regardons ces morceaux de viande coriasces avoir esté pris au dîner, ou dans l'appres midi, alliments qui n'avait pas peu être entièrement broyés, divisés et absorvés tant par le suc gastricque, que par laxions de l'estomac luy meme, et autres mouve-

ments qui d'un commun accort divisent les alliments qui nont pas de visces principaux opposés aux effets de la digestion; car la loy générale de la digestion, est que les alimens ayant esté broyés dans la bouche ou ils souffrent la première préparation, tant par les dens que par la salive qui les pénètre de toute pars, ces alliments sont ensuite passés dans lésophage et tombent dans l'estomac; là ils sont broyés et divisés par les agens dont jeai déjà parlé et approportion que ces allimens sont décomposés ils prennent la couleur grisatre; le temps que l'on observe selon nos lois pour ceste oppération de la nature, est fixé a trois ou quatre heures. Avons passé dessuite aux intestins grêles ou se perfectionne la digestion ou nous avons trouvé très peu des veines tachées; le mésataire estoit extrêmement gorgé par les artères et vènes mesantéricques. Havons examiné le reservoir de pecquiet, ou reservuoir du chille, où nous en avons trouvé en asses grande quantité, en foy de quoy nous donnons la

présente rellation pour servit tant que de besoin.

V

Extracts from the letter written by M. de Senaux to M. de Saint-Florentin on the 20th October, 1761.

Toulouse, 20 oct. 1701.

Monsieur,

It est arrivé mardi dernier un meurtre dans cette ville, qui par sa nature semble intéresser l'Etat.

....Ce même jour treiziéme du courant, le peuple accurut en foule vers les onze heures du soir pour avertir et requérir les Capitouls de se transporter chez le nommé Calas marchand en draperie qui, disait on, venait d'étrangler son fils agé de vingt huit ans, avec le secours de sa mère, d'un autre fils et du nommé Lavaysse. Et cela par raison que cet infortuné garçon travallait à abjurer la religion protestante ou il était né et dont son père et sa famille font profession....

La procédure est commencée à la requette du ministère public, et jusqu'a present les dispositions des temoins ne fournissent que de violent soupçons contre ces accusés, et j'espère que les preuves deviendront complettes par les révélations que produiront un chef de monitoire qui fut publié hyer matin à cet effet. D'ailleurs les variations et les contradictions ou sont tombés ces accusés entr'eux fortifieront les preuves....

Voila, Monsieur, à peu près le détail de cette affaire qui comme vous voyez est de nature à interesser l'Etat, surtout arrivant après l'emeute des hugenots de Caussade dout j'ay eu l'honneur de vous rendre compte . . . DE SENAUX.

VI

Le Capitoul David de Beaudrigue
A M. de Saint-Florentin.

Toulouse, 19 novembre, 1761.

Monseigneur,

L'Affaire dont j'avois eu l'honneur de vous envoyer le verbal contre les nommés

Calas a été jugée hier a l'hotel de ville et y a passe immissiorem* à ce que les accuzés seront appliqués à la question ordinaire et extraordinaire; l'accuzation d'un crime de cette especè exigeoit un jugement plus rigoureux; tant par ce qu'il résulte des preuves de cette procédeure que par l'intérêt public quy demandoit un exemple; mon avis n'a pas été suivy; mais il me reste l'espérance, que le parlement quy va les juger de suite, corrigéra cette sentence, et par la le public se trouvera satisfait et le crime ne restera pas impuny; jay crû, Monseigneur, que vous ne desapprouveriés que j'aye l'honneur de vous informer de cette affairs. J'en feray de même lorsque l'arrêt sera rendu; quoyque mes confreres n'ayant pas secondé mon zelle dans cette affaire, néanmoins j'oze vous assurer, Monseigneur, que cela ne diminuera en rien mon activité à contenir le bon ordre; et a mériter s'il est possible

* To be explained as meaning "in mitiorem," *i.e.*, the minor penalty.

par tous mes soins votre puissante protection.

J'ai l'honneur d'être avec un très profond respect, Monseigneur,

Votre tres humble et très obéissant serviteur,

DAVID DE BEAUDRIGUE, Capitoul.

VII

Le Capitoul David de Beaudrigue
A M. de Saint-Florentin.

Toulouse, 9 decembre, 1761.

Monseigneur,

J'avois eu l'honneur de vous marquer dans ma dernière lettre que je vous instruirois de l'arret que le parlement rendroit au sujet de l'affaire des Calas, qui interesse toutes les provinces. Il fut rendu samedy dernier sixieme du courant; le public attendoit avec impatience l'exemple que merite un crime de cette espece. Voicy l'arret, il passa immissiorem, que l'inquisition commencee seroit continuée d'authorité de la Cour; cependant j'auray

l'honneur de vous observer, Monseigneur, que quoy qu'il passat immissiorem, il y eut cinq voix a les rompre vifs ; nous attendons a present les nouvelles decouvertes que faira M. le procureur general pour donner plus de force a cette inquisition. J'auray l'honneur, Monseigneur, de vous informer de tout ce qui se faira a ce sujét, même du second arret quy sera rendu. Je redoubleray mon zelle et mon attention pour contenir le bon ordre et meriter par mes soins votre puissante protection.

J'ai l'honneur d'être avec un très-profond respect, Monseigneur,

Votre tres humble et très obéissant serviteur,

DAVID DE BEAUDRIGUE, Capitoul.

VIII

Le Capitoul David de Beaudrigue à M. de Saint-Florentin.

Toulouse, ce 10 mars, 1762.

Monseigneur,

Comme je me suis fait un devoir de vous informer de tous les evenements qui se

passeront en cette ville, et nottamment concernant l'affaire des Calas, j'ay l'honneur de vous asseurer qu'ils feurent jugés hier, et que par l'arret qui est intervenu Calas le père est condamné a etre rompu vif et a expirer deux heures sur la roüe, préalablement appliqué à la question ordinaire et extraordinaire après quoy jetté dans un bucher ou son corps réduit en cendres seront jettés au vent. On a sursis au judgement des autres jusqu àpres l'execution. J'auray la même intention de vous informer du judgement des autres.

J'ai l'honneur d'être avec un très profond respect,

Votre tres humble et très obéissant serviteur,

DAVID DE BEAUDRIGUE, Capitoul.

IX

Le Capitoul David de Beaudrigue a M. de Saint-Florentin.

Toulouse le 27 mars 1762.

Monseigneur,

Jay l'honneur de vous informer de

l'arrêt quy a ete rendu contre les autres accuzés de Calas. Le Fils a ete condamné au Bannissement hors du Royaume et a perpetuité, la femme de Calas, Lavaysse et la servante ont été mis hors de Cour. Cet arrêt n'a pas laissé que de surprendre tout le monde, quy s'attendoit à quelque chose de plus rigoureux.

Le procureur de Calas Père donna une requette pendant qu'on examinoit le procés dans laquelle il demandoit de s'inscrire en faux contre le procédeure, et disoit que l'extrait etoit infidelle en ce qu'on avoit ajouté un mot décizif; cette requette fut rejettée parce qu'elle n'etoit pas suivie d'une procuration de la partie; cependant M. le Rapporteur vint vérifier le fait qu'il trouva bien en regle, et comme cette calomnie retomboit sur moi qui avés visé l'extrait de la procédeure, et que l'original avoit été toujours en mon pouvoir, je crus qu'il convenoit d'en porter plainte à la chambre Tournelle et en consequence trois de mes confreres et moy a la

chambre Tournelle porter motre plainte verballe, sur laquelle il est intervenu arret qui condamne ce procureur en trois mois d'interdiction et ordonne qu'il se rendra devers le greffe criminel du parlement, où en presence d'un commissaire a ce député, il declarera que malicieusement et inconsidérément il s'est porté à présenter une pareille requête contre la juridiction de Messieurs les Capitouls, dont il se repend et demande pardon et en consequence que la requette sera biffée et lacérée. Ce procureur nommé Durroux doit se pourvoir au conseil en Cassation dud, arrêt. Sy cela arrivoit, permettés moy, Monseigneur, de vous demander votre puissante protection. Je tacherai de la meriter par mon zelle et mon attention a exécuter dans toutes les occazions vos ordres.

J'ai l'honneur d'être avec un trés profond respect, Monseigneur,

Votre tres humble et trés obéissant serviteur,

David de Beaudrigue, Capitoul.

X

The Letter stating the facts written by Madame Calas in 1762 for the information of Voltaire.

"Voici exactment le détail de notre malheureuse affaire, tout comme elle s'est passée au vrai:

"Le 13 octobre 1761, jour infortuné pour nous, M. Gobert La Vaisse, arrive de Bordeaux où il avait resté quelque temps, pour voir ses parents, qui étaient pour lors à leur* campagne, et cherchant un cheval de louage pour les y aller joindre, sur les quatre à cinq heures du soir, vint à la maison; et mon mari lui dit que puisqu'il ne partait pas, s'il voulait souper avec nous, il nous ferait plaisir; à quoi le jeune homme consentit; et il monta me voir dans ma chambre, d'où, contre mon ordinaire, je n'étais pas sortie. Le premier compliment fait, il me dit: 'Je soupe avec vous, votre

* Some of the words and phrases are in the *patois* of Languedoc. M. and Mme. Lavaysse were at their country house near Caraman.

mari m'en a prié. Je lui en témoignai ma satisfaction, et le quittai quelques moments pour aller donner des ordres à ma servante. En consequence, je fus aussi trouver mon fils ainé que je trouvai assis tout seul dans la boutique, et fort rêveur, pour le prier d'aller acheter du fromage de Roquefort; il était ordinairement le pourvoyeur pour cela, parce qu'il s'y connaissait mieux que les autres. Je lui dis donc: 'Tiens, va acheter du fromage de Roquefort; voilà de l'argent pour cela et tu rendras le reste à ton père'; et je retourne dans ma chambre joindre le jeune homme que j'y avais laissé. Mais peu d'instants après, il me quitta, disant qu'il voulait retourner chez les* fenassiers voir s'il y avait quelque cheval d'arrivé, voulant absolument partir le lendemain pour la campagne de son père, et il sortit.

"Lorsque mon fils ainé eut fait l'emplette du fromage, l'heure† du souper

* Provincial term for hirers of horses.
† About seven o'clock.

arrivée, tout le monde se rendit pour se mettre à table, et nous nous y plaçâmes. Durant le souper qui ne fut pas fort long, on s'entretint de choses indifférentes, et entre autres des antiquités de l'Hôtel-de-Ville, et mon cadet (Pierre) voulut en citer quelques-unes, et son frere le reprit, parce qu'il ne le racontait pas bien, ni juste.

"Lorsque nous fûmes au dessert, ce malheureux enfant, je veux dire mon fils âiné, se leva de table, comme c'était sa coutume, et passa à la cuisine.* La servante lui dit: 'Avez-vous froid, Monsieur l'âiné? Chauffez-vous.' Il lui répondit: 'Bien au contraire, je brûle;' et sortit.

"Nous restâmes encore quelques moments à table, après quoi nous passâmes dans cette chambre que vous connaissez, et où vous avez couché, M. La Vaisse, mon mari, mon fils et moi; les deux premiers se mirent sur le sopha, mon cadet sur un fauteuil, et moi sur une chaise, et là nous fîmes la conversation tous en-

* Adjoining the dining-room on the first floor.

semble. Mon fils cadet s'endormit, et environ sur les neuf heures trois quarts à dix heures M. La Vaisse prit congé de nous, et nous réveillâmes mon cadet pour aller accompagner ledit La Vaisse, lui remettant le flambeau à la main pour aller lui faire lumière, et ils descendirent ensemble.

" Mais lorsqu'ils furent en bas, l'instant d'après, nous entendîmes des cris d'alarme, sans distinguer ce que l'on disait, aux-quels mon mari accourut, et moi je demeurai tremblante sur la galerie, n'osant descendre et ne sachant ce que ce pouvait être.

" Cependant, ne voyant personne venir je me déterminai de descendre, ce que je fis ; mais je trouvai au bas de l'escalier M. La Vaisse, à qui je demandai avec précipitation qu'est-ce qu'il y avait? Il me répondit qu'il me suppliait de remonter, que je le saurais ; et il me fit tant d'instances que je remontai avec lui dans ma chambre. Sans doute que c'était pour m'épargner la douleur de voir mon fils dans cet état ; et il redescendit. Mais l'incerti-

tude où j'étais était un état trop violent pour pouvoir y rester longtemps; j'appelle donc ma servante, et lui dis: 'Jeannette, allez voir ce qu'il y a làbas; je ne sais pas ce que c'est, je suis toute tremblante;' et je lui mis la chandelle à la main, et elle descendit; mais ne la voyant point remonter pour me rendre compte, je descendis moi-même. Mais, grand Dieu! quelle fu ma douleur et ma surprise, lorsque je vis ce cher fils étendu à terre! Cependant je ne le crus pas mort, et je courus chercher de l'eau de la Reine d'Hongrie, croyant qu'il se trouvait mal; et comme l'espérance est ce qui vous quitte le dernier, je lui donnai tous les secours qu'il m'était possible pour le rappeler à la vie, ne pouvant me persuader qu'il fût mort.

"Nous nous en flattions tous, puisque l'on avait été chercher le chirurgien, et qu'il était auprès de moi, sans que je l'eusse vu ni aperçu, que lorsqu'il me dit qu'il était inutile de lui rien faire de plus, qu'il était mort. Je lui soutins alors que

cela ne se pouvais pas, et je le priai de redoubler ses attentions, et de l'examiner plus exactement, ce qu'il fit inutilement; cela n'était que trop vrai. Et pendant tout ce temps-là mon mari était appuyé sur un comptoir à se désespérer; de sorte que mon coeur était déchiré entre le déplorable spectacle de mon fils mort, et la crainte de perdre ce cher mari, de sa douleur à laquelle il se livrait tout entier sans entendre aucune consolation; et ce fut dans cet état que la justice nous trouva, lorsqu'elle nous arrêta dans notre chambre où on nous avait fait remonter.

"Voilà l'affaire tout comme elle s'est passée mot à mot; et je prie Dieu, qui connait notre innocence, de me punir éternellement, si j'ai augmenté ni diminué d'un iota, et si je n'ai dit la pure vérité en toutes ces circonstances; je suis prête à sceller de mon sang cette vérité.

"Votre très humble et très obeissante servante

"Anne Rose Cabibel Calas."

XI

Le Parlement de Toulouse.

An Englishman is tempted to translate the word "parlement" as parliament; but this can only mislead. The *parlement* of Paris and the several provincial *parlements* were in substance judicial bodies, though they constantly claimed to have more extended powers. Toulouse was in the middle ages the capital of Aquitaine, and was not joined to France till the thirteenth century. After this union, in 1271, Toulouse as the capital of Languedoc was given a *parlement* which was invested with the same judicial attributes and powers as the existing *Parlement de Paris*. A new "parlement de Toulouse" was created by letters patent of the 20th March, 1420, which were confirmed on the 11th October, 1443, by Charles VII. Its powers were almost entirely judicial, and as its jurisdiction extended over nearly half of France it was extremely busy. The *Parlement de Toulouse* always regarded itself as a

supreme tribunal, equal to that of the *parlement de Paris*. Some of its presidents and councillors became celebrated jurists; but in later days it was accused of violence and prejudice. The criminal chamber was called *la Tournelle*. The *chambre de la Tournelle* which judged Jean Calas and his family was composed of thirteen magistrates. It appears that a death sentence required a two-thirds majority, *i.e.*, in the case of thirteen at least eight must give their vote for conviction. The president of the thirteen who judged Jean Calas and his family was M. de Senaux, whose detailed reports or letters to M. de Saint-Florentin, which indicate a conviction that Marc-Antoine had been murdered, were ominous of the future judgment.

The ancient *Parlements* of France were suppressed by a coup-de-état of Louis XV. in 1771.

XII.

Diderot and His Views.

Diderot was little content with the

" consultations " et memoires of Elie de Beaumont et others, and has left on record what he would have said if he had had to defend the memory of Jean Calas. Two facts he said had been insufficiently emphasised:—The first was the long and blameless life of Calas (a fact one must observe not very easy to establish having regard to the assertions as to his treatment of Louis) ; the second was in relation to his death.

" Si cet homme a tué son fils, de crainte qu'il ne changeât de religion, c'est un fanatique; c'est un des fanatiques les plus violents qu'il soit possible d'imaginer. Il croit en Dieu; il aime sa religion plus que sa vie, plus que la vie de son fils; il aime mieux son fils mort qu'apostat: il faut donc regarder son crime comme une action héroîque, son fils comme un holocauste qu'il immole à son Dieu. Quel doit donc être son discours et quel a été le discours des autres fanatiques? Le voilà: " Oui, j'ai tué mon fils; oui, messieurs, si c'était à

recommencer, je le tuerais encore: j'ai mieux aimé plonger ma main dans son sang que de l'entendre renier son culte; si c'est un crime, je l'ai commis: qu'on me trâine au supplice!' Au contraire, Calas proteste de son innocence: il prend Dieu à témoin; il regarde sa mort comme le châtiment de quelque faute inconnue et secrète; il veut être jugé de son Dieu aussi sévèrement qu'il l'a été des hommes, s'il est coupable du crime dont il est accusé. Il appelle la mort donée a son fils un crime; Il attend ses juges au grand tribunal pour les y confondre. S'il est coupable, il ment à la face du ciel et de la terre; il ment au dernier moment; il se condamne luimême à des peines éternelles: il est donc athée . . . . mais s'il est athée, il n'est plus fanatique: il n'a donc plus tué son fils.

" Choisissex, aurais-je dit aux juges .... etc."

(Mem et Corr., 1834, vol. II, p. 40).

But would this rhetoric have survived the reply that Jean Calas, fanatical as he

may have been, yet desired to save (as he did save) the lives of his wife, his son Pierre and his friend? Would any Catholic Judge agree with Diderot that a heretic who had murdered an apostate son, would scruple to lie to a Catholic tribunal in order to save the lives of three Protestants most dear to him, or would be likely to think that he was by such a lie condemning himself to eternal punishment?

XIII

EXTRACTS FROM THE MEMOIRE OF THE ADVOCATE SUDRE.

I—*His criticism of the argument that Marc-Antoine could not have hanged himself with the billot and the cord.*

Etoit-il même nécessaire d'employer des experts? On a posédé si long-temps le Cadavre de Marc-Antoine Calas: on avoit sçu le faire emporter à l'Hôtel-de-Ville, il n'en coutoit pas plus de le rapporter. C'etoit un moyen sur de connoitre ce qui en étoit. On auroit imité l'operation, telle que les Prévenus l'ont dépeinte: passer au

cou les deux noeuds, faire deux tours autour du billot: rapprocher les deux battans de la porte, placer le billot, suspendre le cavadre. Quoi! on dira froidement: il n'est pas possible que Marc-Antoine Calas se soit suspendu, après avoir négligé un moyen si prompt et si facile de s'assurer si la chose n'étoit pas possible.

If faut rapporter à la cour un fait certain: le lendemain de l'événement tragique du 13 octobre, avant que la corde et le billot eussent été emportés à l'Hôtel-de-Ville, des jeunes gens curieux firent l'expérience dont il s'agit ici: ils placent le billot, se suspendent des mains à la corde: ils font dans cet état les mouvements les plus vifs, et les battans et le billot resterent fermes à leur place: les Soldats qui étoient consignés dans le magasin en furent temoins, ils rapportèrent qu'ils avoient déjà fait la même expérience.*

* This important statement is most probably true, since Maître Sudre would not have dared to invent it.

C'est par des remarques frivoles qu'on a prétendu que Marc-Antoine Calas n'avoit pas pu se pendre. "La porte est trop haute, dit on, elle a neuf pams. Il auroit fallu pour s'èlever une chaise ou un escabeau.

"La porte est encore trop large pour que le billot pût être assis sur les deux battans: elle a cinq pans de largeur, le billot n'en a que quatre et demi.

"Si on rapproche les deux battans, ils n'auront aucune stabilité, ainsi l'action n'auroit pas pû se consommer. En rapprochant aussi ces deux battans, il n'auroit pas resté assez d'espace pour recevoir le corps.

"Un billot rond auroit glissé sur ces deux battans; il auroit laissé au moins quelque empreinte.

"Le billot auroit encore dérangé les bouts de ficelle, qui étoient sur les deux battans.

"Enfin aprés que Marc-Antoine Calas se seroit lancé, il n'auroit pas tardé à se repentir, et se reprendre au billot qui le suspendoit."

L'art malheureux de semer des doutes ne peut pas aller plus loin: au lieu d'être si habile à douter, il falloit aller au but et s'éclaircir par des expériences.

Cela suffiroit pour abbattre toutes ces illusions: il faut pourtant les parcourir.

" La porte est trop haute: il auroit fallu pour s'élever une chaise ou un escabeau."

Premierement il y avoit dans la boutique dix ou douze chaises. On suppose apparement que lors de la descente des Capitouls, ils n'en trouverent point auprès de la porte. Leur Verbal, dit-on, n'en porte rien: d'ail leurs, tant de gens avoient passé là avant eux, cette chaise auroit pû être déplacée. Marc-Antoine Calas pouvoit encore l'avoir poussée du pied avant de se laisser aller: la boutique est parquetée: d'un coup de pied une chaise roule d'un bout a l'autre.

Secondement, la porte est composée de barreaux jusques vers le milieu: quand les battans de cette porte sont ouverts, ils ne joignent pas le mur, ils en sont distans, de chaque côté, d'environ quatre travers

de doigt, et les gonds sur lesquels ils jouent débordent dans cet espace: ainsi Marc-Antoine Calas a pû s'accrocher d'une main aux barreaux, placer lespieds à droite et à gauche sur les gonds, se soulever par ce moyen, placer le billot et se laisser aller.

" La porte est trop large pour que le billot pût se placer sur les deux battans."

Le billot a quatre pans et demi, la porte en a cinq. Rapprochez les deux battans de deux pouces et demi de chaque côté, c'est tout ce qu'il faut pour appuyer ce billot.

"Mais alors les deux battans n'auront aucune stabilité."

C'est alors au contraire qu'ils en ont, parce que la porte touche en cet endroit à terre, ce qui la rend dure à fermer.

" Il n'auroit pas resté un assez grand espace pour recevoir le corps."

Premierement il y a ici une équivoque: en rapprochant les deux battans de la porte, l'embouchure de la porte est seule resserée: l'extérieur ou converture de la porte conserve sa largeur de cinq pams.

Or le corps n'a pas été retrouvé dans l'embouchure de la porte, c'est dans l'ouverture, dans l'extérieur: la chose ne peut pas même être autrement, rapprochez les deux battans d'une porte, appuyez un billot à ces deux battans, suspendez un corps à ce billot, ce corps sera nécessárement dans l'extérieur ou ouverture de la porte.

Mais secondement, un espace de quatre pans et demi ne suffisoit-il pas pour recevoir Marc-Antoine Calas depouillé surtout de ses habits, qu'il avoit eu soin de quitter?

" Le billot qui est rond auroit glissé sur les deux battans; d'autant mieux qu'ayant perdu leur aplomb, leurs extrémités supérieures sont en plan incliné."

Cette inclinaison n'est pas peut-être de deux lignes à prendre sur toute les largeur de la porte; cela ne fait pas un cinquantième de ligne pour l'endroit oû le billot appuyoit: une inclinaison d'un cinquan tiéme de ligne pouvoit-elle rien produire? De plus, le billot etoit applati par un bout:

il étoit assujetti par le poids du corps: il pouvoit être encore retenu par les bouts de ficelle qui étoient sur l'un des battans.

Que la Cour daigne se rappeler l'expérience dont il vient d'être parlé: les battans et le billot restèrent fermes à leur place, malgré les mouvemens les plus violens, que se donnèrent ces jeunes gens et ces Soldats de garde, qui s'étoient suspendus des mains à la porte.

L'état d'un homme suspendu par le cou est même bien différent: on a consulté les personnes de l'art; la Cour daignera sans doute aussi les consulter.* Ils ont répondu, ce sont les termes : "qu'au moment qu'un homme est suspendu par le cou, la corde pressant la trachée artere, les carotides et les veines jugulaires, cet homme est absolument perclus de de ses sens. Ils en donnent deux raisons. D'un

* A reference to Taylor's Medical Jurisprudence (under Hanging) will show that these views are only partially true, and that in only certain cases. See p. 200.

côté le sang qui est porté à la tête ne pouvant pas en revenir, produit dans le cerveau un engorgement subit: le cerveau se trouve perclus par ce defaut de circulation, et delà la perte de tous les sens, parce que le cerveau est le moteur de tous les organes. De l'autre la respiration étant interceptée, le circulation ne se fait plus dans les poumons, par la cessation de l'entrée et de la sortie de l'air: la circulation anéantie dans les poumons doit l'être nécessairement dans tout le corps: et de-la encore la perte nécessaire de tous les sens."

" Qu'on ne pense point," continuent ces hommes êclairés, " que ce soit l'affaire de quelques minutes; l'instant même dans laquelle le retour et la circulation sont empêches, est celui de la perte de de tous les sens: l'effet est le même que celui d'une violente apoplexie, ou celui que produit l'eau sur un noyé.

" Il s'en suit de là," concluent-ils " qu'un tel homme ne fait plus de mouvement déterminé par la volonté, puisqu'il est

privé de l'usage des sens; que la machine seule peut faire quelques mouvemens animaux, mais très foible par la même raison, et qui ne durent très peu. Un tel homme peu être sauvé, il est vrai, s'il est secouru, et qu'on ôte à temps la cause qui intercepte le cours du sang et la respiration; mais il n'est pas moins perclu des sens dans le premier moment qu'il est suspendu.

"Outre cela," disent-ils, "le corps manquant de point d'appui, on ne pourroit exécuter que des mouvemens latéraux, dont l'effort ne se porteroit presque point sur le bâton auquel le corps est suspendu."

Ne soyons donc surpris que le billot n'ait pas roulé: assujetti tout à la fois par un bout applati, par le poids d'un corps privé de l'usage des sens; et pouvant encore avoir été retenu par les bouts de ficelle qui étoient sur un des battans. Le sieur Calas père a d'ailleurs exposé dans son interrogatoire au Palais, que les deux battans de la porte étoient garnis de rideaux dans toute la hauteur des barreaux, et

qu'en relevant ces rideaux sur les deux battans, cela auroit empêché que le billot roulât et l'auroit assujetti.

"Si le billot avoit été arrête par les bouts de ficelle, ce frottement et cette action auroient dérangé, dit-on, ces bouts de ficelle."

Il est difficile de comprendre cette insistance.

Est-ce que ces bouts de ficelle étoient rangés sur la porte méthodiquement? Quand on avoit besoin d'un bout, et qu'on le prenoit, les autres suivoient en grande partie, et on les remettoit sur le batan sans observer aucun ordre et sans aucune précaution.

Si l'on disoit d'ailleurs que le billot eût été retenu par ces bouts de ficelle seulement, on pourfoit prétendre qu'il ouroit dû agir sur ces bouts de ficelle: mais on dit qu' il a été retenu tout ensemble par le bout applati, et par le poids du corps: ces deux autres causes doivent avoir laissé si peu à faire aux bouts de ficelle, que le billot

aura agi trop faiblement sur ces bouts pour y causer le moindre dérangement.

"Le billot étant rond et de buis auroit fait quelque impression sur les deux battans."

Des gens qui prétendent l'avoir vu, on assuré qu'on y appercevoit en effet cette empreinte. La porte est d'autre part d'un bois fort dur, et le billot devoit appuyer principalement du côté applati. Pour supposer enfin une grande pression, il faut supposer de grands mouvemens, contre la décision physique des maîtres de l'art.

It may be observed in relation to some of the above remarks that (apart from injury to the spinal cord as in effective hanging with a drop) there are four possible causes of death from hanging, namely, (1) asphyxia, (2) cerebral hyperaemia, (3) a combination of asphyxia with apoplexy, (4) syncope. Death will be rapid and almost instantaneous if there is so complete a pressure that entrance of the air into the lungs is entirely prevented,

causing rapid asphyxia. But this is rare in voluntary hanging. The airway in such a case is more or less protected; death will be slower and will be due to the third of the causes above mentioned. The convulsive movements of the body may be slight, and will generally be unconscious. (See Taylor's *Medical Jurisprudence* and Tidy's *Legal Medicine* for elaborate accounts of the state of modern knowledge on these matters).

EXTRACTS FROM THE MEMOIRE OF THE ADVOCATE SUDRE—*continued.*

II—*His summary of the Case as to the mode of the Death.*

1. Les auteurs du Monitoire, supposent eux-mêmes que Marc-Antoine Calas peut avoir péri de cette manière,* puisque le cinquième Chef est dirigé "contre tous ceux qui sçavent que Marc-Antoine Calas fut êtranglé . . . ou PENDU . . . qu'il fut mis à mort par suspension ou torsion." Celà est supposé aussi dans les interroga-

* *i.e.,* by hanging.

toires de l'Hôtel de Ville; puisqu'il est demandé à Pierre Calas, "si sa famille n'avoit délibéré de faire mourir Marc Antoine, et s'il n'avoit exécuté ce projet le 13 Octobre en le pendant ou étranglant. Et les voisins accourus au bruit, en portèrent le même jugement à la vue du Cadavre.

2. Les Médecins et Chirurgiens, auteurs du premier Verbal, ont dit expressément, après avoir examiné l'etat extérieur du Cadavre, qu'il étoit mort suspendu.

3. Si Marc-Antoine Calas avoit été étranglé, l'impression de la corde seroit horizontale dans toute la circonférence du cou: cependant l'impression de la corde n'occupe que la partie antérieure du cou.

4. Après avoir parcouru la partie antérieure du cou, l'impression de la corde remonte le long des oreilles, d'où elle aboutit au sommet de la tête. N'est-ce pas le tableau de ceux qui meurent par suspension ?

5. Dans le même cas que Marc-Antoine Calas auroit été étranglé, le noeud coulant

avec lequel il auroit été étranglé, auroit fait une équimose ou meurtrissure au derrière du cou, ou dans quelqu' autre partie du cou: il est déclaré cependant, par Les Médecins et les Chirurgiens, qu'il ne se trouva aucune meurtrissure dans aucun endroit de son corps.

6. De la grosseur dont est la corde, on ne seroit parvenu à étrangler Marc-Antoine Calas qu'en le * billotant; aussi ceux qui prétendent qu'il a été etranglé, ne manquent pas d'ajouter qu'il a été billoté. Si Marc-Antoine Calas avoit été billoté, la corde se seroit tordue: or la corde a été trouvée sans torsion. Dira-t-on qu'elle s' étoit détordue par élasticité, après l'opération ? Cette corde est remise au Greffe de la Cour; il n'y a qu'à la tordre, et voir si elle se rétablit dans son premier état: elle est lâche et molle, par conséquent incapable de cet effet élastique.

7. Quelqu'un qui a été étranglé, bave

* This word will not be found even in Littré. The context shows that it must indicate the twisting of the cord like a tourniquet.

encore après sa mort, sa langue déborde les dents et les lévres: il ne s'est trouvé rien de pareil, puisque les Experts n'en n'ont pas fait mention : Marc-Antoine Calas n'a donc pas été étranglé: il est mort étouffé, et par conséquent il est mort pendu.†

8. Des cheveux se sont trouvés attachés au billot, à l'endroit où la corde étoit roulée: par conséquent le sommet de la tête a frotté contre le billot: cela seul démontreroit que Marc-Antoine Calas est mort pendu. Qu'on se mette en effet la chose sous les yeux, on sera convaincu qu'en billotant Marc-Antoine, jamais le milieu du billot ne se seroit chargé de cheveux.

9. Le sieur Calas Père, le Fils et le sieur Lavaysse, attestent unanimement qu'ils ont trouvé Marc-Antoine Calas pendu.* Cette uniformité seule établiroit encore que cette infortuné a péri de cette manière.

† Not a sound reason according to modern authorities.

* Unfortunately, this was their second account.

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